

ORDINANCE NO. 24-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD ADOPTING AMENDMENTS TO TITLE 2, ADMINISTRATION AND PERSONNEL; TITLE 5, BUSINESS LICENSES, REGULATIONS AND PERMITS; TITLE 9 PUBLIC PEACE AND SAFETY; TITLE 13, BUILDINGS AND CONSTRUCTION; TITLE 17, RENT STABILIZATION; TITLE 19, ZONING ORDINANCE; AND TITLE 20, SUBDIVISION REGULATIONS OF THE WEST HOLLYWOOD MUNICIPAL CODE, TO CHANGE ALL REFERENCES TO THE PLANNING AND DEVELOPMENT SERVICES DEPARTMENT AND DIRECTOR TO THE COMMUNITY DEVELOPMENT DEPARTMENT AND DIRECTOR, AND OTHER MINOR ADMINISTRATIVE CHANGES, AND FINDING THE ACTION CATEGORICALLY EXEMPT FROM CEQA

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. On May 15, 2023, the City Council approved organizational structure changes and position changes effective July 1, 2023 to advance the City's commitment to providing effective and efficient public services. As part of this effort, the City Manager changed the Planning and Development Services Department name to a more universal title of Community Development Department, which necessitated the processing of this amendment to the Municipal Code.

SECTION 2. A public hearing was duly noticed for the Planning Commission meeting of March 21, 2024 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 by March 7, 2024. The Planning Commission held a public hearing and recommended approval of the proposed Municipal Code amendments to the City Council by a 5-0 vote, with recommended substantive revisions read into the record, staff's recommended amendment to be consistent with changes to the Landscape Plan ordinance, and to correct minor typographical and clerical errors concerning dashes, returns and underscores that were a result of the redline revisions.

SECTION 3. A public hearing was duly noticed for the City Council meeting of June 10, 2024 by publication in the Beverly Press newspaper, the West Hollywood Independent Newspaper, and the City website and by announcement on City Channel 6 starting May 23, 2024.

SECTION 4. The proposed amendments to the Municipal Code are Categorically Exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 of the CEQA Guidelines. Section 15061 states that CEQA applies only to projects that have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a

significant effect on the environment, the activity is not subject to CEQA. The recently implemented department and director name changes do not fundamentally revise any development codes, create negative environmental impacts, or result in physical changes to the environment.

SECTION 5. The proposed amendments to the Municipal Code are consistent with the Primary Strategic Goals in the City of West Hollywood General Plan: (1) Adaptability to future change and (2) Institutional Integrity. The proposed ZTA is also compliant with other General Plan goals: G-2, maintain transparency and integrity in West Hollywood's decision-making process.

SECTION 6. Subsection 2.68.080(e), of Chapter 2.68, of Title 2 of the West Hollywood Municipal Code is amended to read as follows:

e. To review the section(s) of Draft Environmental Impact Reports related to transportation, traffic and circulation. The Community Development Department staff shall forward all such documents to the Transportation and Mobility Commission for review and comment, prior to review and approval by the Planning Commission, as appropriate.

SECTION 7. Subsection 5.70.035(f.) of Chapter 5.70 of Title 5 of the West Hollywood Municipal Code is amended to read as follows:

f. The top eight applicants in each license category (or applicants applying for vacated licenses) based on points are required to secure a viable business location if one has not been secured and apply for and obtain a zone clearance (Chapter 19.42 of the municipal code) from the West Hollywood Community Development Department after being notified that their application has been accepted and ranked as one of the top eight applicants (or available vacated licenses).

SECTION 8. Subsection 9.64.020(b)(5) and (8) of Chapter 9.64, of Title 9 of the West Hollywood Municipal Code is amended to read as follows:

9.64.020 General Vacant Property Standards.

5. Groundcover, hardscape, or softscape shall be installed and maintained on all vacant property throughout the duration of the vacancy. Such landscaping is subject to the approval from the Community Development Director, or designee, and shall comply with the following:

8. As determined by the Community Development Director, any vacant property must be enclosed by a wrought iron fence or similar material that is at least six feet tall and non-view obscuring. This provides for clear and open visibility of the vacant property. The fence must be self-supporting and may not be attached to any part of adjacent property without the adjacent owner's written permission. The fence's location, type, and method of installation is subject to approval of the Community Development Director, or designee, before installation; provided, however, that in no event shall the fence be chainlink, unless the property is actively being developed pursuant to a current and valid building permit.

SECTION 9. Subsection 13.08.020(1) of Section 13.08.020 of Chapter 13.08, of Title 13 of the West Hollywood Municipal Code is amended to read as follows:

1. "Building and Safety Division of the Department of County Engineer - Facilities" shall mean the City of West Hollywood Building and Safety Division of the Community Development Department.

SECTION 10. Chapter 13.20, of Title 13 of the West Hollywood Municipal Code is amended to read as follows:

13.20.020 Definitions.

2. "Building Department" shall mean the City of West Hollywood Building and Safety Division of the Community Development Department.

13.20.050 Subsection R105.3 Amended -Application for Permits.

8. Contain adequate evidence as required by the Community Development Director or his/her designee that the proposed construction fully complies with all applicable provisions of the zoning ordinance.

SECTION 11: Subsection 13.26.020(2) of Section 13.26.020 of Chapter 13.26 of Title 13 of the West Hollywood Municipal Code is amended to read as follows:

2. "Building Department" shall mean the City of West Hollywood Building and Safety Division of the Community Development Department.

SECTION 12: Subsection 13.44.020(1) of Section 13.44.020 of Chapter 13.44 of Title 13 the West Hollywood Municipal Code is amended to read as follows:

1. "Building Department" shall mean the City of West Hollywood Building and Safety Division of the Community Development Department.

SECTION 13: Subsection 17.44.010(1)(b) of Section 17.44.010 of Chapter 17.44 of Title 17 the West Hollywood Municipal Code is amended to read as follows:

(b) Designated Cultural Resources. When an application filed by one or more tenants seeks a rent decrease due to an alleged failure to perform the interior common area or building exterior painting as required by Section 17.56.010(c) at a building that is a designated cultural resource pursuant to Chapter 19.58 (Cultural Heritage Preservation), a copy of the application shall be transmitted to the Community Development Department upon acceptance. Upon receipt of the application, the Community Development Department shall forward to the hearing examiner any order(s) to paint the interior common area or building exterior or a written statement that no such order is pending. The Community Development Director or their designee may request an extension from the hearing examiner of up to forty-five days from receipt of the application .in order to conduct an inquiry into the condition of the property.

SECTION 14: Subsection 17.48.040 (b) of Section 17.48.040 of Chapter 17.48 of Title 17 of the West Hollywood Municipal Code is amended to read as follows:

b. It shall be presumed that the contract valuations approved by the city's Community Development Department are complete and actual records of the reasonable cost of performing earthquake hazard reduction and seismic strengthening work.

SECTION 15: Subsection 17.56.010(c) of Section 17.56.010 of Chapter 17.56 of Title 17 of the West Hollywood Municipal Code is amended to read as follows:

c. All common areas shall be provided with new carpets and draperies or other window coverings (if such amenities were provided on or after April 30, 1984) once every seven years and shall be painted no less than once every four years. Interior common areas shall be painted no less than once every four years and building exteriors shall be painted no less than once every seven years. For buildings that are designated cultural resources pursuant to Chapter 19.58 of this code, interior common areas and building exteriors are not required to be painted once every four years and seven years, respectively, but shall be maintained in good repair and in compliance with the provisions of Section 19.58.160 of the Cultural Heritage Preservation Ordinance. Notwithstanding this exemption for designated cultural resources, a rent adjustment may be granted when the landlord has failed to comply with an order transmitted to the hearing examiner by the Community Development Director pursuant to Section 17.44.010(l)(b) to paint an interior common area or building exterior of the designated cultural resource.

SECTION 16: Subsection 19.01.040(B)(2) of Section 19.01.040 of Chapter 19.01 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

2. The Community Development Director determines that the site was subdivided in compliance with all applicable requirements of Title 20 (Subdivisions) of the Municipal Code.

SECTION 17: Subsection 19.02.010(A) of Section 19.02.010 of Chapter 19.02 of Title 19 the West Hollywood Municipal Code is amended to read as follows:

A. Uses. Land uses shall be identified by Chapter 19.06 (Residential Zoning Districts), 19.10 (Commercial and Public Zoning Districts), or 19.14 (Overlay Zoning Districts), as being permitted, administratively or conditionally permitted, in the zoning district applied to the site. The Community Development Director may determine whether a particular land use is allowable, in compliance with Section 19.03.020(E) (Rules of Interpretation – Allowable Uses of Land).

SECTION 18: Section 19.03.020 of Chapter 19.03 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

A. Authority. The Community Development Director has the responsibility and authority to interpret the requirements of this Zoning Ordinance.

E. Zoning Map Boundaries. If there is uncertainty about the location of any zoning district boundary shown on the official Zoning Map, the Community Development Director shall determine the location of the boundary based on the public record of adoption by the Council.

F. Allowable Uses of Land. If a proposed use of land is not specifically listed in Section 19.06.030 (Residential Zoning District Land Uses and Permit Requirements), or in Section 19.10.030 (Commercial and Public District Land Uses and Permit Requirements), the use shall not be allowed, except as follows.

1. Similar Uses Allowed. The Community Development Director may determine that a proposed use not listed in Article 19-2 is allowable if all of the following findings are made:

2. Applicable Standards and Permit Requirements. When the Community Development Director determines that a proposed, but unlisted, use is similar to a listed use, the proposed use will be treated in the same manner as the listed use in determining where it is allowed, what permits are required and what other standards and requirements of this Zoning Ordinance apply.

3. Planning Commission Determination. The Community Development Director may forward questions about similar uses directly to the Planning Commission for a determination at a public meeting. Determinations by the Community Development Director may be appealed to the Planning Commission in compliance with Chapter 19.76 (Appeals).

SECTION 19: Section 19.03.030 of Chapter 19.03 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

Whenever the Community Development Director determines that the meaning or applicability of any of the requirements of this Zoning Ordinance are subject to interpretation generally, or as applied to a specific case, the Director may issue an official interpretation. The Director shall issue an interpretation when requested to do so in compliance with this section.

A. Request for Interpretation. A request shall be in writing, and shall specifically state the provisions in question, and provide any information that may assist in the review of the request.

B. Timing, Findings, Basis for Interpretation. The Community Development Director shall issue a written interpretation within 60 days of the filing of a written request for an interpretation, or within that time shall refer the request to the Commission in compliance with subsection (D). The issuance of an interpretation shall include findings stating the basis for the interpretation. The basis for an interpretation may include technological changes or new industry standards. The issuance of an interpretation shall also include a finding documenting the consistency of the interpretation with the General Plan.

C. Record of Interpretations. Official interpretations shall be:

1. Written, and shall quote the provisions of this Zoning Ordinance being interpreted, and explain their meaning or applicability in the particular or general circumstances that caused the need for interpretation; and

2. Distributed to the Council, Planning Commission, City Attorney, City Clerk, Historic Preservation Commission, and Community Development Department staff.

Any provisions of this Zoning Ordinance that are determined by the Community Development Director to need refinement or revision should be corrected by amending this Zoning Ordinance as soon as is practical. Until amendments can occur, the Community Development Director will maintain a complete record of all official interpretations, available for public review, and indexed by the number of the section that is the subject of the interpretation.

D. Referral of Interpretation. The Community Development Director may forward any interpretation or determination of the meaning or applicability of any provision of this Zoning Ordinance directly to the Planning Commission for a determination at a public meeting.

E. Appeals. Any interpretation of this Zoning Ordinance by the Community Development Director may be appealed to the Planning Commission, any interpretation by the Planning Commission may be appealed to the Council, and any interpretation of Chapter 19.58 (Cultural Heritage Preservation) by the Community Development Director may be appealed to the Historic Preservation Commission, whose interpretation may be appealed to the Council, in compliance with Chapter 19.76 (Appeals).

SECTION 20: Table 2-4 of Section 19.06.050 of Chapter 19.06 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

Table 2-4 MAXIMUM DENSITY IN R1 AND R2 ZONES

Zoning Symbol	Map	Maximum Number of Dwelling Units Allowed ¹
R1-A		1 unit per lot, accessory dwelling units where allowed by Section 19.36.310, and 2 units per lot where allowed by Section 19.36.325.
R1-B		2 units per lot of less than 8,499 sq. ft.; 3 units per lot between 8,500 and 11,999 sq. ft.; plus 1 additional unit per lot, for each 3,500 sq. ft. or fraction thereof in excess of 11,999 sq. ft. Accessory dwelling units where allowed by Section 19.36.310.
R1-C		1 unit per lot, accessory dwelling units where allowed by Section 19.36.310, and 2 units per lot where allowed by Section 19.36.325.
R2		2 units per lot of less than 4,000 sq. ft.; 3 units per lot between 4,000 sq. ft. and 7,999 sq. ft.; 4 units per lot between 8,000 sq. ft. and 9,999 sq. ft.; plus 1 additional unit per lot, for each 2,000 sq. ft. or fraction thereof in excess of 9,999 sq. ft. Accessory dwelling units where allowed by Section 19.36.310.

SECTION 21: Section 19.10.060 of Chapter 19.10 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

The following standards shall apply to new structures and alterations to existing structures involving a change in the level of the first story or a change in the façade at the street frontage, in all commercial zoning districts. The review authority may approve minor variations to these standards as appropriate, provided that the general spirit and intent of

the standards are implemented to the satisfaction of the Community Development Director. (See also Commercial and Public Use Design Guidelines, Chapter G-12.)

SECTION 22: Subsection 19.14.040(F) of Section 19.14.040 of Chapter 19.14 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

F. Zoning Map Notation. Upon the effective date of an ordinance placing a property in the DA Overlay District, the Zoning Map will be amended to show the overlay designation. After execution by all parties, the development agreement will be added to the city's Development Agreement Master List with the effective date and expiration date of the development agreement noted. Upon the expiration or earlier termination of a development agreement, the Community Development Director shall remove the development agreement from the city's Development Agreement Master List. The DA Overlay may be removed from the property by way of a Zone Map Amendment.

SECTION 23: Section 19.14.120 of Chapter 19.14 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

TABLE 2-7
WEST HOLLYWOOD WEST NEIGHBORHOOD DISTRICT
GENERAL DEVELOPMENT STANDARDS

Notes:

(4) The Community Development Director may modify or waive this requirement to accommodate what he/she deems to be exemplary design.

Building Massing and Modulation

b. No primary structure shall have a single, unbroken roofline across the front of the building. At least three feet of the roofline frontage shall have either a vertical change of direction or a three-foot minimum horizontal change of direction. The Community Development Director may waive this requirement if the width of the primary structure's frontage is less than 50 percent of the lot width, or if the roof line is curved.

c. Balconies.

(1) Front Balcony. Size limitations and privacy screen requirements do not apply to a balcony that is located on a building's front elevation.

(2) Side Balcony Size. A balcony that is located on a building's interior side elevation shall not be larger than 80 square feet in area.

(3) Rear Balcony Size. A balcony that is located on a building's rear elevation shall not be larger than 144 square feet in area.

(4) Privacy Screen Location. If a privacy screen is provided, it shall be set back at least 18 inches from the exterior building face. If a privacy screen is flush with the exterior building face, it will be included as floor or wall area for the purpose of provision Subsection E.1.a. Ensure that privacy screen does not prevent proper drainage from the balcony.

(5) Allowed Projections into Setbacks. All projections into setbacks shall meet the standards set forth in Section 19.20.150.E of the Municipal Code, provided that balconies shall not project into the required side setback.

d. No roof decks shall be permitted on any structure.

e. Basements shall be permitted and shall not be included in the calculation of FAR.

SECTION 24: Section 19.14.130 of Chapter 19.14 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

Table 2-7 (Continued) NORMA TRIANGLE NEIGHBORHOOD DISTRICT GENERAL DEVELOPMENT STANDARDS

Notes:

(4) The Community Development Director may modify or waive this requirement to accommodate what he/she deems exemplary design.

SECTION 25: Subsection 19.14.130 (E)(1)(d) of Section 19.14.130 of Chapter 19.14 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

d. No primary structure shall have a single, unbroken roofline across the front of the building. At least three feet of the roofline frontage shall have either a vertical change of direction or a three-foot minimum horizontal change of direction. The Community Development Director may waive this requirement if the width of the primary structure's frontage is less than 50 percent of the lot width, or if the roof line is curved.

SECTION 26: Subsection 19.16.010 (D) of Section 19.16.010 of Chapter 19.16 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

D. Maximum Building Height. The first 35 feet of property south of the Santa Monica Boulevard property line shall not exceed 55 feet in height. Beginning 35 feet south of the Santa Monica Boulevard property line, and extending southward for 100 feet, buildings shall not exceed 65 feet in height. Thereafter, beginning 135 feet from the Santa Monica Boulevard property line, and extending to the southern property line, buildings shall not exceed 132 feet.

Nothing herein, however, shall be construed to in any way limit interior mezzanine or loft space. Furthermore, the top level of a semi-subterranean garage shall not be considered a story.

The Community Development Director may approve modifications to the provisions of Section 19.20.080(C) regarding mechanical equipment, housings, telecommunications facilities and other appurtenant roof-top structures or penetrations (e.g., skylights, stairwells, and ventilation atria), including catwalks, parapets, and railings.

SECTION 27: Section 19.16.020 of Chapter 19.16 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.16.020 8899 Beverly Boulevard Specific Plan.

H. Parking.

1. A minimum of 256 parking spaces shall be provided. A shared parking analysis dated July 13, 2015 by Hirsch Green shows an excess of 41 parking spaces, which may be utilized for other purposes with a shared parking permit. If the mix of uses is changed from the plans stamped received by the City of West Hollywood on August 6, 2015, a shared parking analysis shall be prepared by a licensed traffic engineer to determine the number of parking spaces required for the changed mix of uses, subject to the approval of the Community Development Director.

I. Affordable Housing Requirements. Notwithstanding Chapter 19.22 of this Code, the following shall apply to the provision of affordable housing within the 8899 Beverly Specific Plan:

1. Location, Layout, and Floor Plan. The affordable/inclusionary housing area location and layout and the floor areas of all units, amenities and room located within the affordable/inclusionary housing area shall substantially conform to the revised plans stamped received on August 6, 2015, to the satisfaction of the Community Development Director.

N. Sunset. This section shall become inoperative 18 months after its effective date ("construction commencement period") if construction has not yet commenced. Upon the expiration of the 8899 Beverly Specific Plan, the Community Development Director shall amend the Zoning Map and General Plan to delete the applicable designation. The construction commencement period shall be tolled if either of the following occurs:

1. The project design and/or conditions do not meet the satisfaction of the Community Development Director after the city has requested, and the owner of the property designated as the 8899 Beverly Specific Plan ("owner") has provided, two consecutive sets of revisions and/or information. In such case, the Community Development Director shall present the project design and conditions to the Planning Commission design review subcommittee for a determination of compliance. The tolling of the construction commencement period shall end when the determination of compliance is issued.

2. The owner requests in writing an extension of the construction commencement period and the Community Development Director finds that the design review and plan check has exceeded the standard review period and the delay was not caused in whole or in part by the owner's lack of responsiveness or failure to make a good faith effort to respond to the requests of the city during design review and plan check. If the required findings are made, the Community Development Director may only approve an extension for a period commensurate with the number of days of the delay.

SECTION 28: Subsection 19.16.030(D)(4) of Section 19.16.030 of Chapter 19.16 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.16.030 Center for Early Education Specific Plan.

4. The Community Development Director may approve modifications to the provisions of Section 19.20.080(C) regarding mechanical equipment, housings, telecommunications facilities and other appurtenant roof-top structures or penetrations

(e.g., skylights, stairwells, and ventilation atria), including shade trellises, roof-top play court enclosure fences and parapet walls, catwalks, parapets, and railings.

SECTION 29: Section 19.16.040 of Chapter 19.16 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.16.040 Robertson Lane Specific Plan.

D. Maximum Building Heights

1. For projects in Sub-Area A as described in Section 19.16.040(C)(2)(a), heights may be permitted as follows:

c. Appurtenant Rooftop Structures. Appurtenant roof-top structures including, but not limited to, fire stairs, and elevator overruns up to 15'-0" above the maximum building height may be permitted starting 51'-0" west of the eastern Robertson Boulevard property line extending 126'-0" westward. In all other areas of Sub-Area A, such appurtenant roof-top structures up to 12'-0" above the maximum building heights may be permitted. For a maximum of 900 square feet on the hotel's ninth level (L9), a retractable canopy up to 20'-0" above the ninth level (L9) roof deck not to exceed 127'-0" above Robertson Boulevard (a maximum of 123'-0" above North La Peer Drive) may be permitted, provided the retractable canopy is set back 12'-0" from the western property line (1:1 ratio). The maximum total height shall not exceed 132'-0" above Robertson Boulevard (a maximum of 128'-0" above North La Peer Drive. The Director of the Community Development Department may approve modifications to the provisions of Section 19.20.080(C)(4) regarding mechanical equipment, housings, telecommunications facilities and other appurtenant roof-top structures or penetrations (e.g., skylights, stairwells, and ventilation atria), including catwalks, parapets, and railings during the concurrent plan check process.

F. Minor Modifications. The Community Development Director may allow up to 10 percent modification in any of the standards, limitations and/or square footage requirements of this Specific Plan as provided in Section 19.62.070.

SECTION 30: Chapter 19.20 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.20.050 Fences, Walls, and Hedges.

B. General Standards for All Fences, Walls, and Hedges. All fences, walls, and hedges in all zoning districts shall comply with the following requirements, as applicable.

2. Materials. Allowable materials for fences and walls shall be limited to wood, masonry, decorative metal (for example, wrought iron), and other materials approved by the Community Development Director consistent with the city's design guidelines. Barbed wire, concertina wire, grape stakes, chain-link, or chain-link with wood slats shall not be allowed as fencing material; except that chain link may be allowed in compliance with subsection (E) below (Security Fencing).

C. Residential Zoning District Height Limits. Fences, walls, and hedges on sites within residential zoning districts shall not exceed the following height limits. Residential properties with a parking overlay designation that are used as parking areas, and

residential properties with nonconforming commercial uses are subject to the requirements of subsection (D), below.

1. Height Limit Within Front Setback.

a. Fences and Walls. Solid fences and walls within a required front setback shall not exceed a height of 42 inches; except that:

(2) A solid fence or wall or combination of fence and wall up to a maximum height of six feet may be allowed where the front setback of the residential parcel faces or abuts a General Plan-designated secondary highway, or a site zoned for or developed with a commercial use, or up to a maximum height of 10 feet wherever property zoned for residential abuts a commercial zone or a commercial use, if the Review Authority determines that the fence or wall will not:

(a) Unduly obstruct the view from neighboring residential properties; or

(b) Create a safety hazard to vehicular or pedestrian traffic.

The height and type of the material to be used in constructing the wall shall be approved by the Community Development Director, or in the case of a project requiring Planning Commission approval, by the Commission, to ensure that the increased height is compatible with the use of the property, does not detract from the pedestrian character of the street and is integrated into the architecture and site design. (See Section 19.28.130 concerning driveway visibility.)

b. Hedges. Hedges (and any supporting apparatus) are allowed with no restriction on height so long as the hedges do not block sightlines for drivers per Section 19.28.130(D) or pedestrians as determined by the Community Development Director. The Director may require trimming, removal, or other modifications to the hedge as required to promote and protect public health, safety, and welfare.

E. *Security Fencing*. Except as provided below, chain-link fencing is permitted for a maximum of 90 days to enclose abandoned, undeveloped or vacant property. After 90 days, fencing used to enclose abandoned, underdeveloped or vacant property shall comply with the requirements of Section 7.24.010(d) of this code. Properties actively being developed pursuant to a current and valid building permit may be secured for more than 90 days with chain-link fencing at the discretion of the Community Development Director or designee.

19.20.060 Green Building.

E. Application Requirements. This section is intended to simplify and facilitate the green building document review and permitting process for all applicable projects. For each phase, all planning review and building permit documents shall indicate in the general notes and/or individual drawings, where appropriate, the required green building measures employed for the project.

3. Projects using a third-party green building rating system to comply with subsection D of this section, require additional documentation as follows:

a. Prior to the issuance of building permits, the applicant shall submit evidence satisfactory to the Community Development Director that the services of the appropriate accredited green building professional have been retained, and that the project has been registered with the third-party rating system.

19.20.070 Hazardous Materials Storage.

C. *Reporting Requirements.* All businesses required by state law (Health and Safety Code, Section 6.95) to prepare hazardous materials release response plans shall submit copies of these plans, including any revisions, to the Community Development Director at the same time these plans are submitted to the Fire Department.

2. Notify the Fire Department and the Community Development Director of any proposed abandoning, ceasing, or closing the operation of an underground storage tank and the actions to be taken to dispose of any hazardous substances.

19.20.080 Height Measurement and Exceptions.

B. Height Measurement.

1. *Parallel Plane Method.* The maximum allowable height shall be measured as the vertical distance from the grade existing at the time of project submittal to an imaginary plane located at the allowed number of feet above and parallel to the existing grade (see Figure 3-2). Natural grade may be substituted for existing grade where the Community Development Director determines that the use of natural grade more accurately serves the purposes of the Zoning Ordinance. As an alternative on sites with slopes of five percent or more, an applicant may choose to apply the height measurement method provided in subsection (B)(2), below.

C. Projections Above Allowed Heights.

2. *Height Averaging.* The maximum height of a structure may be averaged, subject to approval by the Community Development Director. For example, where a flat-roofed structure could be built to a height of 25 feet, a sloping roof could be built to a maximum average height of 25 feet with the lowest portions of the roof slope at 20 feet, and the highest portions at 28 feet.

19.20.100 Outdoor Lighting.

B. *Security Lighting.* Security lighting shall be provided at all structure entrances and exits, except for single-family dwellings and duplexes, where this requirement is optional. Motion-sensing controls shall be used with rapid-start lamps, except where the Community Development Director deems that these are not appropriate or feasible.

19.20.140 Screening of Equipment.

B. Roof-Top Equipment and Appurtenances.

2. The equipment shall be either enclosed by outer structure walls or parapets, or grouped and screened in a suitable manner, or designed to ensure balance and integration with the design of the structure, subject to the approval of the Community Development Director.

19.20.150 Setback Measurement and Projections into Yards.

C. *Measurement of Setbacks.* Setbacks shall be measured as follows. See Figure 3-4.

1. *Front Setbacks.* The front setback shall be measured from the point of the front property line of the parcel nearest to the wall of the structure, establishing a setback line parallel to the front property line, except as follows, and except as provided by subsection (C)(6), below.

a. Corner Parcels. The measurement shall be taken from the point of the structure nearest to the property line adjoining the street on which the property has the shortest frontage and from which access to the property is taken. The Community Development Director may approve an alternate primary frontage of corner parcels only when the Community Development Director finds on-site or adjacent conditions to be incompatible with the standard primary frontage and an alternate primary frontage will improve the site plan (including, but not limited to, the location of the setbacks, the location of building footprint, utilities, parking, and ingress/egress). See also subsection (C)(6), below.

19.20.170 Solar Access and Solar Equipment.

These provisions are intended to ensure that solar energy systems are protected from shading and to facilitate their safe operation. The standards may be modified by the Community Development Director in the case where compliance would demonstrably reduce the operating efficiency or performance of the solar energy system and compliance will not adversely impact public health and safety.

19.20.260 Gender Neutral Public Toilet Facilities.

D. Waivers or Modifications. The city may waive or modify the requirements of this section upon application to the Community Development Department where any of the following are present and substantiated:

1. Compliance is technically infeasible. The alteration shall provide equivalent facilitation or comply with the requirements to maximum extent feasible.

2. Compliance will create an unreasonable financial hardship. The cost of compliance, the valuation of the project, the impact of proposed improvements on financial feasibility of the project, and the use of the facility under construction shall all be considered to determine a hardship. Equivalent facilitation or compliance shall be provided with the requirements to maximum extent feasible.

3. Use and Occupancy. Special consideration will be made for certain occupancies such as religious and educational uses.

4. The policy for consideration, approval and appeal of the Director's decisions regarding requests for waivers or modifications under this Section 19.20.260(D)(4) will be adopted by the City Manager or designee.

SECTION 31: Chapter 19.22 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.22.025 Processing Density Bonus Applications.

A. The application for a density bonus and/or concessions shall be processed concurrently with the underlying land use permit and entitlement application and in accordance with the procedures set forth in Section 19.40.040. In addition to any other applicable application requirements, the application shall be made on a form supplied by the Community Development Department and shall include:

1. A density bonus proposal that includes a description of the unit counts that make the project eligible for the requested density bonus, including any known income information for any tenants necessary to apply the requirements of Section 19.22.050.B below;

2. A proposal for the specific concessions the applicant requests. For “other regulatory concessions” under Section 19.22.050.E.2.f other than an additional story, the applicant shall provide an explanation of the regulatory concession and how it results in identifiable and actual cost reductions for the project to offset the affordable housing costs, or for rents for the targeted units as specified in Government Code Section 65915. The intent of this requirement is to provide reasonable documentation to establish eligibility for the concession or to demonstrate the concession meets the definition set forth in Section 65915. The explanation may be, but is not required to be, in narrative form;

3. A proposal for any requested waiver or reduction of the development standard if compliance with a development standard would physically preclude construction of the project as proposed. The proposal shall include an explanation of how the development standard would physically preclude construction of the project as proposed; and

4. A proposal for any requested reduction in parking ratios under Section 19.22.050.F and an explanation for how the project is eligible for the requested reduction.

19.22.030 Affordable Units Required.

B. Common Interest Development Conversions. If the existing residential units to be converted to a common interest development include rental inclusionary housing units, the inclusionary units shall be sold as ownership affordable units, or upon approval from the city can be retained as affordable rental units.

2. If the units are to be sold to targeted income groups, the owners shall record a covenant restricting future sales prices to levels affordable to the targeted income group and subject to the requirements in Section 19.22.090.

a. Before approval of a final map, the applicant shall post tenant relocation fees for each inclusionary unit in an escrow account approved by the Community Development Director and the Finance Director. The amount deposited for each inclusionary unit shall be the maximum amount of tenant relocation fees allowed under the Rent Stabilization Ordinance. Tenant relocation fees shall be paid in compliance with the Rent Stabilization Ordinance.

D. *Builders Quality*. “Builders quality” appliances and materials shall mean those of durable, good and lasting quality, consistent with any applicable City Code requirements, and to the satisfaction of the Community Development Director.

19.22.090 Rental, Sale and Re-Sale of Inclusionary and Affordable Units.

B. Limitations on Purchasers and Sales Prices.

2. All purchasers of inclusionary units shall meet the city’s income guidelines for the income range targeted for that unit. Proof of income eligibility shall be submitted to the Community Development Director. Resale of units shall require that the Community Development Director first verify the purchaser as low or moderate income. This requirement shall be included in the recorded covenant.

SECTION 32: Subsection 19.24.040(A) of Section 19.24.040 of Chapter 19.24 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

A. Location of Improvements. Curbs, gutters, sidewalks, and drainage structures, where required, shall be constructed at the grade and location specified by the Community Development Director, unless curbs, gutters, sidewalks, and drainage structures that are deemed adequate by the Director of Public Works already exist within the present right-of-way, or on property the owner has agreed to dedicate. All these improvements shall comply with the standards established by the Director of Public Works.

SECTION 33: Chapter 19.26 of Title 19 the West Hollywood Municipal Code is amended to read as follows:

19.26.020 Applicability.

B. Landscape Plans, Timing of Landscape Installation. Landscape plans, irrigation plans, and plans for the ornamental use of water, including ponds and fountains, shall be submitted to the Community Development Department for review for compliance with the requirements of this chapter before issuance of a building permit. Landscaping shall not be installed until the applicant receives approval of the final landscape plan (Section 19.26.030(B)). Changes to approved landscape plans that affect the character or quality of the plant material or irrigation system shall be resubmitted for approval before installation.

19.26.030 Landscape Plan Application Requirements.

A. *Preliminary Landscape Plan.* A preliminary landscape plan shall be submitted as part of an application for a discretionary land use permit. The plan shall include all information and materials as required in the application form provided by the Community Development Department. The Community Development Director shall review each preliminary landscape plan to verify its compliance with the provisions of this chapter. The Director shall require any changes necessary to bring the submittal into compliance with this chapter.

3. Final landscape plans shall be approved by the Community Development Director before the start of on-site construction or soil disturbance, and before the issuance of a building permit.

19.26.040 Areas of Required Landscaping.

All land uses shall be provided with landscaping as specified in this section. Subsection (A) specifies requirements for all land uses while subsection (B) identifies additional requirements for non-residential land uses only, and subsection (C) identifies additional requirements for residential land uses only.

A. Landscaping Requirements for All Uses.

1. Setbacks. All setback and open space areas required by this Zoning Ordinance shall be landscaped, except where a required setback is occupied by walkways, decks, approved hardscape, or a driveway, or where a required setback is screened from public view, and it is determined by the Community Development Director that landscaping is not necessary to fulfill the purposes of this chapter.

2. Unused Areas. All areas of a project site not intended for a specific use (including areas planned for future phases of a phased development), shall be landscaped unless it is determined by the Community Development Director that landscaping is not necessary to fulfill the purposes of this chapter.

3. Parking Areas. Parking areas shall be landscaped as required by Chapter 19.28 (Off-Street Parking and Loading Standards).

4. Location-Specific Requirements. Location-specific landscaping may be required to provide visual relief or contrast, or to screen incompatible features of the site or use.

5. Street Trees. All land uses requiring a discretionary land use permit shall provide street trees at a maximum spacing of 30 feet along the sidewalk of the site frontage in compliance with the Urban Design/Streetscape Master Plan. In lieu of providing street trees, the Community Development Director may allow the applicant to pay a fee to the Street Beautification Trust Fund, as established by Council resolution. Additionally, the applicant shall provide surety acceptable to the Community Development Director to ensure the ongoing health and maintenance of the street trees in compliance with Section 19.26.080(C) (Performance guarantee), below.

6. Non-Permeable Surfaces. Landscape areas shall comply with the limitations on non-permeable surfaces provided by Section 19.20.190(D) (Non-permeable surfaces).

B. Landscaping Requirements for Commercial Uses. (In addition to subsection (A), above).

1. Landscaping Outside Fences and Walls. Freestanding fences or walls that are adjacent to any public street or sidewalk shall be located to provide a landscaped area along the frontage between the fence or wall and the street. Landscaping outside of fences and walls for parking lots shall be in compliance with Section 19.28.100(B) (Parking area landscaping requirements).

a. The landscaped area shall contain the equivalent of at least two square feet of landscaping for each linear foot of frontage, in compliance with a landscaping plan approved by the Community Development Director. Where a hardship exists, the Director may reduce this requirement to a minimum of one square foot of landscaping for each linear foot of frontage in return for a wider landscaped strip.

b. The Community Development Director may approve alternative methods of providing landscaping along fences and walls where an alternative plan will provide equal or better landscaping within the intent of this chapter.

2. Outdoor Dining, Plazas, and Walkways. Projects shall incorporate extensive landscaping including trees and shrubs to provide vertical height and mass for outdoor dining, plazas, and walkway areas. These areas shall be designed and maintained to be visually attractive, usable and accessible by the public, and shall incorporate street furniture and pedestrian-oriented amenities.

3. Landscaping Above Ground Floor Level. Landscaping above the ground floor shall not be considered sufficient to meet the landscape requirements of this chapter.

19.26.080 Installation and Maintenance.

A. *Installation Requirements.* Landscape materials and support equipment shown in an approved final landscape plan shall be installed as follows.

1. Soil Preparation and Planting. Sound soil preparation and planting practices shall be implemented for all landscaped areas.

a. Mulch shall be applied and maintained in all planting areas except those with lawns, slope areas, and established ground cover or other low-lying shrubs.

b. Irrigated areas shall be amended with a minimum six yards of organic material per 1,000 square feet.

2. Timing of Installation. Required landscaping shall be installed and verified by the Community Development Department before occupancy of the site.

3. Compliance with Plans Required. Landscape materials and irrigation equipment shall be installed in compliance with the approved plans and specifications.

4. Deferral of Installation. In the event that seasonal conditions prevent the effective installation of required landscape before occupancy, a conditional Certificate of Occupancy and a performance bond in the amount equal to the value of the landscape materials may be allowed, subject to the approval of the Community Development Director.

B. *Minor Changes to Plans.* The Community Development Director may approve minor changes to approved plans limited to the following:

1. Minor changes to approved landscaping or irrigation plans that comply with the spirit and intent of these regulations, including revising or substituting plant varieties, container sizes, plant locations, irrigation specifications, hardscape components, berm heights, berm locations, slope features, and similar changes; and

2. Modifications of planting, installation, or soil preparation details.

C. *Performance Guarantee.* When required by the Community Development Director, a surety in a form approved by the city in the amount of 50 percent of the total value of all plant materials, irrigation, and installation shall be posted with the city for a two-year period to guarantee proper maintenance of installed landscaping, both on site and in the public right-of-way.

D. Maintenance of Landscape. Landscaping shall be maintained consistent with the approved final landscape plan. Maintenance of approved landscape installations shall consist of regular watering, pruning, fertilizing, mulching, clearing of debris and weeds, removal and replacement of dead plants, and repair of irrigation systems.

SECTION 34: Chapter 19.28 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.28.030 General Parking Regulations.

When parking is required or provided, the following requirements shall apply unless otherwise noted in this chapter.

A. Layout and Access Plan Required. All land use permit applications and any request for new or modified parking areas or facilities shall include a parking layout and access plan for review and approval of parking design and layout, access, signage, driveways, landscaping, and screening.

B. Parking Operations Plan Required. Applicants for mechanical lifts, automated parking structures, valet, underground solid waste, loading, or delivery operations, non-residential uses with new parking lots, or surface parking lots shall submit a parking operations plan to the Community Development Director for review and approval before issuance of building permits.

1. The plan shall include the type and location of access control that will be used, rates charged for parking (if any), method of payment for parking, number of

transactions that can be accommodated throughout the day, whether the development will offer validated parking, whether parking for employees will be subsidized, and other information as requested by the Community Development Director.

2. If using off-site parking, the plan shall address both on- and off-site parking lots. The Community Development Director may require a list of incentives that the applicant will provide to encourage patrons to park in the off-site lot rather than driving to the project site and having the valet drive to the off-site lot. The plan shall specify when and to whom the incentives will be given.

C. Location of Parking. Off-street parking shall be located as follows.

1. Parking shall be located on the same site as the activities or uses served unless a Parking Use Permit is obtained in compliance with Chapter 19.56 of this Code for non-residential use.

2. Except for single-family dwellings and duplexes, all parking spaces shall be located either behind, adjacent to, or within a structure. The location of parking spaces for residential uses shall comply with Section 19.28.090(D)(1)(a) of this chapter (Residential Parking - Location).

3. Required parking, loading, and service and delivery areas shall not be allowed in any required front setback, except in single-family dwellings and duplexes, where excess parking is permitted upon a paved driveway that provides access directly from the street to an allowed garage or carport.

4. In mixed-use projects, residential parking shall be identified by signage and/or markings, separated, and secured from commercial parking by locating residential and commercial parking on separate floors, providing individual access to distinct residential and commercial parking areas, installing gated or otherwise physically separated areas for residential and commercial parking. Signage alone is not permissible.

D. Availability. Required parking and loading spaces shall be available during permitted hours of operation and shall be marked and maintained for parking or loading purposes for the use they are intended to serve.

1. The Community Development Director may approve the temporary reduction of parking or loading spaces in conjunction with a seasonal or intermittent use for a period of not more than 30 days subject to the approval of a temporary use permit (Chapter 19.54 of this Code).

2. Persons in control of the operation of a premises for which parking or loading spaces are provided to occupants or service providers shall not prevent, prohibit, or restrict other persons from using their assigned spaces.

3. Parking that is identified to be shared between uses during simultaneous operating hours may be allowed in compliance with Section 19.28.070 of this chapter subject to a parking use permit (Chapter 19.56).

4. Parking for residential uses shall be maintained for the exclusive use of occupants and their guests, and shall not be rented, sold, or otherwise made available to non-resident non-guests of the building.

E. Maintenance. Parking spaces, driveways, maneuvering aisles, turnaround areas, and landscaping areas shall be maintained free of dust, graffiti, and litter; and striping, paving, walls, light standards, and all other facilities shall be maintained in good condition.

F. Vehicles for Sale. Vehicles or trailers shall not be parked upon a public street, parking lot, or public property for the purpose of displaying the vehicle or trailer for

sale, hire, or rental. This type of business may be allowed if allowed in compliance with Section 19.36.380 of this Code (Vehicle Sales and Rentals).

G. Vehicle Towing. Vehicle towing signs shall be posted on all non-residential parking lots in compliance with Section 10.24.080(A)(4) of this Code.

19.28.040 Number of Parking Spaces Required.

E. Use of Table. Table 3-6 shall be interpreted as follows:

3. Uses Not Listed. Parking for land uses not specifically listed by Table 3-6 shall be provided based on the most similar use in the table, as determined by the Community Development Director.

Table 3-6 PARKING REQUIREMENTS BY LAND USE (CONTINUED)

2. NON-RESIDENTIAL LAND USES

Non-Residential Land Use	Required Parking Spaces
Adult retail businesses	2 spaces per 1,000 sq. ft.
Adult day care facilities	1 space for each 7 clients for which the facility is licensed plus adequate drop-off area as approved by the Community Development Director.
Art galleries	0.5 spaces per 1,000 sq. ft.

Non-Residential Land Use	Required Parking Spaces
Cardrooms	3.5 spaces per 1,000 sq. ft.
Child day care centers	1 space for each 10 children that the facility is licensed to accommodate, plus adequate drop-off area as approved by the Community Development Director.
Clubs, lodges, and meeting halls	1 space for each 5 fixed seats, or 8 spaces per 1,000 sq. ft. of assembly or viewing area where there are no fixed seats.

Section 19.28.060 Reduction of Off-Street Parking Requirements

Table 3-7 ALLOWABLE PARKING REDUCTIONS (CONTINUED)

Qualifying Project Feature	Description and Criteria for Granting Reduction	Maximum Reduction	Required Process for Reduction
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Mixed use projects	A project combining commercial and residential uses. May be granted where the Review Authority determines that a reduction is justified based on hourly parking demand studies published by the Urban Land Institute, or other appropriate source as determined by the Community Development Director.	As determined by the Review Authority	Review and decision by applicable Review Authority as part of land use permit approval for project.
Second uses	A second use within a single project or building (e.g., a restaurant within a hotel) with a greater parking requirement than the primary use. May be granted where the Community Development Director determines that a reduction is justified based on a parking demand study.	50%	Review and decision by Community Development Director.
Use intensification near public parking	A proposed intensification of use within an existing building that is determined by the Review Authority to be located within a reasonable distance of a city parking facility. May be granted by Review Authority, subject to the fee determined by the Council, based on the type of use and its associated parking characteristics, including: <ul style="list-style-type: none"> a. Peak hours of use and turnover rate; b. The ability of the use to meet parking requirements through other means; c. The availability of spaces in the nearby city parking facility; d. The relative distance to the use from the parking facility; and e. Measures proposed by the applicant to ensure employee and patron use of the city parking facility. 	50%	Review and decision by applicable Review Authority as part of land use permit approval for project.
All others	Any other circumstance where the applicant wishes to request a parking reduction. May be granted where the Commission can make the findings required in Section 19.28.060(C)(3).	As determined by the Commission	Review and decision by the Commission.
Car share vehicles in dedicated car share parking space(s)	When vehicular parking is provided either for construction of a hotel, or an 100% affordable housing project, or a structure with more than 10 dwelling units with required affordable housing on site, publicly available car share vehicles provided within	For each car share parking space provided on site, 3	Review and decision by applicable Review Authority as part of land use permit

	<p>the building in covered dedicated standard sized non-tandem parking spaces, located in close proximity to pedestrian access to the garage and accessible to car share program members 24 hours a day. Car share parking spaces shall be equipped with a minimum level 2 electric vehicle charger installed. Parking spaces shall have signage identifying the space as car share only. Exterior signage shall be permitted as authorized by Section 19.34.030 of this Code. Property owner, successors and/or assignees shall provide the city with an agreement between the property owner and a car share organization on an annual basis stating that car share vehicle(s) will be provided on that site. Should the property owner fail to maintain an agreement with a car share organization on an annual basis, the parking spaces shall be replaced through provisions for new parking spaces, parking credits, shared parking permits, provisions for car share memberships to tenants in the building, or other similar mechanism as approved by the Community Development Director.</p>	<p>code-required parking spaces may be eliminated. A maximum reduction of 6 code-required parking spaces is permissible.</p>	<p>approval for project.</p>
<p>Ground-level vegetative space</p>	<p>Once required open space and/or green space have been provided, in order to increase the amount of native soil on grade, ground-level vegetative space, and a healthy tree canopy on a project site and enhance the capacity for percolation of water through native soil and on-site stormwater management, a project may provide 350 square feet of vegetative space in lieu of each required standard parking space. Such vegetative space must be designed to allow for water infiltration into the soil below, may not be located above an underground structure, and shall include at least one canopy tree with a minimum box size of 36 inches. The vegetative area may include space that is part of any required setback area.</p>	<p>As determined by the Review Authority. A maximum reduction of 3 code-required parking spaces is permissible.</p>	<p>Review and decision by applicable Review Authority as part of land use permit approval for project.</p>

C. Parking Reduction Procedure.

1. Application and Filing. A request for reduction shall be filed with the Community Development Department as part of the project land use permit application, and shall include:

- a. The information and materials required by the Community Development Director;
- b. Where required by this section or otherwise determined to be necessary by the Community Development Director, a parking demand study which presents justification for the requested modification, prepared by an independent licensed traffic engineer; and
- c. Any parking reduction fee required by the city's Fee Resolution.

19.28.070 Shared Use of Parking Facilities.

A. *Applicability.* Separate commercial uses with overlapping hours of operation, on separate parcels not more than 400 feet from each other within any commercial zoning district, may jointly use parking facilities subject to the approval of a parking use permit in compliance with Chapter 19.56 when the review authority determines that either of the following conditions exist:

1. Different peak hour parking demands exist between the separate uses; or
2. Single vehicle trips are likely to be made to two or more of the businesses proposed to share the parking.

The Community Development Director may also allow consideration of joint use facilities for two uses that are more than 400 feet apart where the Community Development Director determines that the separation remains reasonable for walking, and/or that pedestrian-oriented features of the intervening distance will also make walking between the two sites reasonable. For shared use of parking spaces by multiple commercial uses on the same parcel, see "shopping centers," in Table 3-6.

C. *Application Requirements.* In addition to the information and materials required for a parking use permit application, the owner of the proposed shared parking spaces shall provide a parking demand study prepared by a qualified, licensed traffic engineer, which:

1. Is in a form and includes data acceptable to the Community Development Director;

D. *Standards for Shared Parking.* Shared parking facilities shall comply with the following requirements:

1. The distance from the parking site to the applicant's site should not exceed 400 feet. However, distances of up to 1,000 feet may be considered if the Community Development Director determines that there are no other feasible alternatives; and
2. The applicant shall provide evidence of a valid lease. A long-term lease is preferable.

E. *Conditions of Approval.* In granting a parking use permit for shared parking, the Community Development Director may require conditions of approval regarding:

19.28.080 Parking Credits.

B. Procedure. As part of an application for a new or intensified use an applicant may apply to participate in the Parking Credits Program to meet parking requirements as follows:

1. Prior to completing a development application to the Community Development Department for a new or intensified use, the applicant shall apply to the Parking Division to participate in the Parking Credits Program. The requirements to participate in the Parking Credits Program shall be as set forth in this section and Chapter 10.28 of this Code. The development application shall not be deemed complete until the applicant has obtained written verification from the Parking Division that sufficient parking credits are available and the applicant has reserved the credits pursuant to the requirements in Chapter 10.28 of this Code.

19.28.090 Parking Area Design and Layout Standards.

A. Access. Access to off-street parking areas shall be designed in compliance with the following standards.

4. Access to Adjacent Sites. Applicants for non-residential development are encouraged to provide shared vehicle and pedestrian access to adjacent non-residential properties for convenience, safety, and efficient circulation. A joint access agreement running with the land shall be recorded by the owners of the abutting properties, as approved and executed by the Community Development Director, guaranteeing the continued availability of the shared access between the properties.

B. Parking Space and Lot Dimensions.

1. General Parking Space Requirements and Parking Area Dimensions. Individual parking spaces shall have the following minimum dimensions for stall width, length, drive aisle width, and overall maneuvering width.

a. Angled Parking. Angled parking shall be considered on a case-by-case basis, subject to the approval of the Community Development Director. For design standards for angled parking, refer to the current handout published by the city.

G. Existing Non-Residential Surface Parking in Residential Zones. Existing non-residential surface parking facilities as of February 19, 2016 shall comply with the following standards:

1. Permits Required. Any existing non-residential surface parking facility located in a residential zone shall obtain an administrative permit (Chapter 19.44) of this Code and shall comply with the standards in this section. These facilities shall have 180 days from February 19, 2016 to file an application for an administrative permit. Upon review, the Community Development Director may decide to add conditions that are in addition to the standards in this section.

19.28.100 Surface Parking Area Standards.

A. Construction and Improvement Standards. Off-street parking areas shall be constructed and improved as follows:

3. Shopping Cart Storage. Parking facilities for commercial uses that offer shopping carts for use by patrons (e.g., grocery stores) shall contain shopping cart

storage areas when appropriate. The dimensions and locations of these storage areas shall be determined the Community Development Director.

7. Wheel Stops and Curbing.

a. Concrete curbing at least six inches high and six inches wide, with breaks to allow on-site drainage, shall be provided for parking spaces located adjacent to fences, walls, property lines, landscaped areas, and structures. Individual wheel stops may be provided in lieu of continuous curbing when the parking is adjacent to a landscaped area and the drainage is directed to the landscaped area. Alternative barriers designed to protect landscaped areas from vehicle damage may be approved by the Community Development Director. Wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space. Wheel stops shall not be required where two parking spaces are contiguous at the width.

B. Parking Area Landscaping Requirements.

3. Parking Lot Perimeter Landscaping.

b. Adjacent to Residential Use. Parking areas for non-residential uses adjoining a residentially zoned parcel shall be designed and maintained to screen the cars from the view of the adjoining residents with a suitable landscaped buffer. This requirement may be reduced when applied to a property line in common with an alley.

ii. A solid masonry wall with a minimum height of six feet shall be provided along the property line. The Community Development Director may require taller walls and other noise mitigation devices (e.g., partially or fully covered parking) when necessary to lessen the impacts of a particular use.

19.28.110 Parking Structure and Rooftop Parking Standards.

C. Construction and Improvement Standards.

4. Striping, Directional Arrows, and Signs.

a. Parking spaces, aisles, approach lanes, and maneuvering areas shall be clearly marked with directional arrows to ensure the safe and efficient flow of vehicles. The Community Development Director may require the installation of traffic signs in addition to directional arrows to ensure the safe and efficient flow of vehicles in a parking facility.

5. Wheel Stops and Curbing. Continuous concrete curbing at least six inches high and six inches wide shall be provided for parking spaces located adjacent to walls, property lines, landscaped areas, and structures. Individual wheel stops may be provided in lieu of continuous curbing when the parking is adjacent to a landscaped area and the drainage is directed to the landscaped area. Alternative barrier design to protect landscaped areas from vehicle damage may be approved by the Community Development Director. Wheel stops shall be placed to allow for two feet of vehicle overhang area within the dimension of the parking space. Wheel stops shall not be required where two parking spaces are contiguous at the width.

19.28.120 Off-Site Parking Standards.

D. Terms of Off-Site Parking. Required parking spaces that are approved off site shall be committed by a lease, bond, or other agreement, acceptable to the City Attorney, between the owners, and if applicable, the lessees of the off-site parking spaces and the owners, and if applicable, the lessees of the subject site, with provisions reflecting the conditions of approval and the approved off-site parking plan.

Lessees shall provide proof to the Community Development Director on an annual basis of continuous leases for off-site parking spaces at the time the leases are renewed following the expiration of their initial terms, or when a new lease for parking elsewhere is substituted. If the off-site parking lease agreement between the parties lapses, the owner or operator of the use leasing the parking shall immediately notify the Community Development Director. The Community Development Director shall determine a reasonable time in which the required parking shall be restored, or alternatively that an in-lieu parking fee be paid in an amount equal to the number of parking spaces required.

19.28.130 Driveway Standards.

B. Driveway Width. Driveway pavement width shall be determined based on the number of parking spaces accessed by the driveway, as detailed below:

4. Exception. The Community Development Director may approve driveway widths up to 24 feet for visibility or public safety reasons, where an applicant demonstrates a physical lack of design alternatives, the presence of special conditions, or a unique intensity of vehicular traffic in a residential use.

C. Number and Extent of Residential Driveways.

1. Number of Driveways – Mid-Block Parcels. New development shall be limited to one curb cut unless the Community Development Director finds that a second cut would result in substantial improvements to traffic flows or public safety.

2. Number of Driveways – Corner or Double Frontage Parcels. For corner and double frontage parcels with residential uses other than single-family dwellings and duplexes, one access on each frontage may be allowed if the Community Development Director determines that two driveways are needed to provide safe access.

19.28.140 Temporary Parking Lots.

A. Time Limits and Extensions. The temporary use permit for a temporary parking lot shall specify a fixed expiration date. Extensions of time may be granted as follows:

1. New Lots. A temporary parking lot temporary use permit approved after May 2, 2001, may be automatically extended by the Community Development Director for a fixed time period, absent receipt of complaints about the operation of the parking lot.

19.28.150 Bicycle Parking and Support Facilities.

A. Number of Spaces Required

2. Parking Layout

c. Bicycle Parking Location.

iii. For existing buildings and changes of use where the Community Development Director determines existing site constraints prohibit locating

short-term bicycle parking on-site, the applicant shall satisfy the requirement by paying the city an established cost of an appropriately sized bicycle rack for providing the short-term parking within the public right-of-way.

E. Required Shower, Dressing, and Locker Facilities. New non-residential land uses and major remodels or additions to non-residential land uses of 10,000 square feet or larger shall provide shower, dressing, and locker facilities in compliance with the following standards:

6. Shower/Locker Exemption. An owner of an existing or proposed building subject to the requirements of this section shall be exempt from subsection E upon submitting proof to the Community Development Director that the owner has made arrangements with a health club or other facility, located within three blocks of the building, to provide showers and lockers at no cost to the employees who work in the owner's building.

19.28.160 Off-Street Loading Space Requirements.

B. Location. Loading spaces shall be located to meet as many of the following criteria as deemed feasible by the Community Development Director. The spaces shall be:

SECTION 35: Chapter 19.32 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.32.030 Critical Facilities.

A. Restricted Areas. New critical facilities shall not be allowed within a dam failure inundation area or fault precaution zone. Limited expansion of critical facilities within a dam failure inundation area shall be allowed. The approval of a proposed expansion shall require that the review authority first find that:

4. The siting of the critical facility observes a 100-foot minimum setback from an identified, active earthquake fault plane. This setback may be increased if, based on the earthquake fault rupture study, a greater setback is necessary to protect the public health, safety, and welfare, if deemed necessary by the Community Development Director.

19.32.040 Sensitive Facilities.

A. Required Findings. New sensitive facilities shall not be allowed within a fault precaution zone unless the review authority first makes all of the following findings.

2. The proposed sensitive facility shall be sited outside 100-foot setback planes drawn parallel to any active faults. A greater setback from any active fault may be required if, based on the fault rupture determination study, the Community Development Director determines that the additional setback is necessary to protect the public health, safety, and welfare.

19.32.050 High Occupancy Facilities.

A. Required Findings. No new high-occupancy structures (including foundation systems and basements) shall be permitted within 50 feet of an active fault. Construction of new high-occupancy facilities shall not be allowed within a fault precaution zone unless the review authority first makes all of the following findings:

2. All proposed high occupancy facilities (including their foundation systems and basements) shall be sited outside 50-foot setback planes drawn parallel to any active faults. A greater setback from any active fault planes may be required if, based on the fault rupture investigation, the Community Development Director determines that the additional setback is necessary to protect the public health, safety, and welfare.

SECTION 36: Chapter 19.34 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.34.020 Applicability.

C. New Zoning Districts. If a new zoning district is created after the enactment of this chapter, the Community Development Director shall have the authority to make determinations as to the applicability of appropriate sign regulations in compliance with Chapter 19.03 (Interpretation of Zoning Ordinance Provisions) until this chapter is amended to govern the new zoning district.

19.34.050 Standards for Specific Types of Signs.

D. Elevated Monument Signs. An elevated monument sign may be allowed when the Community Development Director determines that a wall sign would not be easily seen from the public street and there is sufficient area on the site to accommodate a freestanding sign.

E. Monument Signs. A monument sign may be allowed when the Community Development Director determines that a wall sign would not be easily seen from the public street and there is sufficient area on the site to accommodate a freestanding sign.

4. Landscaping Requirements. Landscaping shall be provided at the base of the supporting structure equal to twice the area of one face of the sign. For example, 20 square feet of sign area = 40 square feet of landscaped area. The Community Development Director may reduce or waive this requirement if it is determined that the additional landscaping would not contribute significantly to the overall aesthetic character of the project.

19.34.060 Creative Signs.

D. Procedure. A sign permit application for a creative sign shall be subject to review and approval by the Community Development Director when the proposed sign is 50 square feet or less, and by the Planning Commission when the sign is larger than 50 square feet. Notification for a sign permit for a creative sign shall be given in the same manner specified by this Zoning Ordinance for Community Development Director-approved development permits in Chapter 19.48.

19.34.070 Comprehensive Sign Program.

B. Applicability. The approval of a comprehensive sign program shall be required whenever any of the following circumstances exist, or whenever an applicant requests the approval of a comprehensive sign program:

4. The Community Development Director determines that a comprehensive sign program is needed because of special project characteristics (e.g., the size of proposed signs, limited site visibility, a business within a business, the location of the site relative to major transportation routes).

C. Approval Authority. The Community Development Director may approve a comprehensive sign program through the granting of a sign permit for a comprehensive sign program.

D. Application Requirements. A sign permit application for a comprehensive sign program shall include all information and materials required by the Community Development Department, and the filing fee set by the city's Fee Resolution.

F. Revisions to Comprehensive Sign Programs. Revisions to a comprehensive sign program may be approved by the Community Development Director with a standard sign permit if the intent of the original approval is not affected. Revisions that would substantially deviate from the original approval shall require the approval of a new comprehensive sign program.

19.34.080 Off-Site Signs.

D. Approval Authority. The Planning Commission shall have the authority to approve district identification signs and large-screen video signs. Community Development Director may approve all other off-site signs and to the extent permitted under this Code.

4. Time Limits and Extensions. Large screen video signs shall be installed within two years from the date of approval. The Community Development Director may, upon request before the expiration date, extend the permit one time for an additional six months in compliance with Chapter 19.62 (Permit Implementation, Time Limits, and Extensions).

19.34.100 Sign Permits.

A. Application Processing and Fee. A sign permit application shall include the information and materials required by the Community Development Department, and the filing fee set by the city's Fee Resolution.

B. Review Authority. The Planning Commission shall have the authority to approve district identification signs, creative signs as specified by Section 19.34.060 (Creative Signs), and large screen video signs. The Community Development Director may approve all other types of signs. Appeals of decisions of the Planning Commission or Community Development Director shall be processed in compliance with Chapter 19.76 (Appeals).

C. Criteria for Approval. The Community Development Director or Planning Commission may approve a sign permit if the proposed sign:

1. Meets the requirements of this chapter;
2. Is in compliance with the Sign Design Guidelines;

3. Would not interfere with pedestrian or vehicular safety;
4. Would not detract from the character of a historic or architecturally significant structure;
5. Would not be located so as to have a negative impact on adjacent property;
6. Would not detract from the pedestrian quality of street or area; and
7. Would not add to an over-proliferation of signs on a particular property.

D. Modification of Standards. Modifications to the requirements of this chapter may be requested in compliance with Chapter 19.60 (Variances and Modifications).

E. Revocation or Modification of Sign Permits. The Community Development Director may revoke or modify a sign permit, in compliance with Section 19.80.060 (Revocations and Modifications) if it is found that the signs has been erected, altered, reconstructed, or is being maintained in a manner that is inconsistent with the approved permit.

19.34.110 Exemptions from Sign Permit Requirements.

A. Flags. The flag of the United States of America and other nations, states, counties, or municipalities, and flags of incorporated nonprofit organizations or service clubs provided that the pole height shall not exceed 25 feet in height above finished grade within five feet of the pole if located on the ground or 10 feet if located on a roof. The length of the flag shall not exceed one-quarter of the height of the pole. No more than three flags per parcel shall be allowed. More or larger flags may be allowed subject to approval by the Community Development Director.

19.34.130 Illegal Signs.

B. Removal of Illegal Signs in the Public Right-of-Way. The Community Development Director may cause the removal of any sign within the public right-of-way or on property that is otherwise abandoned that has been placed there without first complying with the requirements of this chapter.

SECTION 37: Chapter 19.36 of the West Hollywood Municipal Code is amended to read as follows:

19.36.030 Accessory Business Uses and Activities.

C. Criteria for Approval. An accessory manufacturing, retail, or service use shall be allowed only where the Community Development Director first determines that the use will not result in harm to adjoining existing or potential residential use due to excessive noise, traffic, or other adverse effects generated by the accessory use.

4. Permit Required. The incidental activities allowed by this section shall require city approval as follows.

a. For an activity that will occur once a week, the Community Development Director's approval of an administrative permit in compliance with Chapter 19.44.

b. For an activity that will occur more than once a week, the Community Development Director's approval of a minor conditional use permit in compliance with Chapter 19.52.

The Community Development Director may amend the specified days and times allowed in an approved permit, without the public hearing and with noticing as required for an administrative permit, provided that the amendment does not increase the total number of days or amount of time for the allowed activity.

5. Development Standards. In order for the Community Development Director to determine that the accessory use is truly “incidental,” all incidental activities shall comply with the following operational standards:

a. Location. The incidental activity shall occur only within the interior area of the business, alongside the regular business activity without replacing it at any time.

b. Frequency. The review authority shall determine the total number of incidental activities to be allowed. The specific days of the week and times allowed shall be specified in the permit. As a guideline, most uses shall be permitted up to twice weekly, unless the Community Development Director determines that the use will have no impacts on surrounding residential or commercial uses.

19.36.040 Adult and Child Day Care Facilities.

B. Child Day Care Center Standards.

4. Swimming Pools or Spas. No swimming pools or spas shall be installed on the site due to high risk and safety considerations. An existing pool or spa for separate use on the parcel may be allowed if determined by the Community Development Director that adequate, secure separation exists between the pool or spa and the facilities used by the children.

19.36.050 Adult Businesses.

A. Application Processing.

1. Processing Time. The Community Development Director shall determine whether an application for an adult business is complete within 15 days of submission. If an application is determined to be incomplete, the applicant shall be notified as to what additional information is necessary within the 15 days. If an application is determined to be complete, it shall be accepted and a decision to approve or deny shall occur within 21 days of the application being determined complete.

19.36.080 Automated Teller Machines (ATMs), Exterior.

F. Dimensions. In the Sunset Specific Plan Area, each exterior ATM shall be limited to a width of five feet for one machine or 10 feet for two machines, unless the Community Development Director determines that the architectural elements of the building, such as column or window spacing, demand that a larger space be provided. The total depth of the ATM or set of ATMs, including the area behind the machine required for service, shall be limited to a depth of 10 feet from the building face, allowing for other uses to occupy the area behind the ATM.

19.36.100 Common Interest Developments and Airspace Subdivisions.

B. Residential Projects – Conditions, Covenants, and Restrictions (CC&Rs). To achieve the purposes of this section, the declarations of conditions, covenants, and restrictions (CC&Rs) or other applicable documents relating to the management of common area and facilities shall be subject to approval by the Community Development

Director and the City Attorney. In addition to the CC&Rs that may be required by the California Department of Real Estate in compliance with Title 6 of Part IV of Division II of the Civil Code or other state laws or policies, the declaration, proprietary lease, cooperative housing corporation bylaws, or other similar document shall provide for the following, none of which, after acceptance in final form by the Community Development Director, shall be amended, changed, or modified without first obtaining the written consent of the Community Development Director.

6. Limitation on Exterior Changes. The CC&Rs shall include a provision stating that the association or individual owners or occupants of units in the development shall not, without the written approval of the Community Development Director cause, permit or approve any material additions, alterations, or changes to the exterior of the development, or reduce or fail to maintain assessments for the maintenance and upkeep of the exterior of the development.

7. Authorization for Government Access and Enforcement. The CC&Rs shall include the following provisions in addition to those identified above in this section.

f. Any other provisions which the Community Development Director and City Attorney determine are necessary and reasonable for ensuring compliance with the provisions of the municipal code or the conditions of approval of the project.

8. Amendment of the CC&Rs or Other Management Document. An amendment to the CC&Rs or other management documents that would amend, delete, modify, or otherwise affect any provision required by this section shall require the prior written approval of the Community Development Director. To that end, the amendment shall not be effective unless:

D. Airspace Subdivisions.

2. Legal agreements recorded with the airspace subdivision shall define how the lots, common spaces, ingress, egress, parking, and uses will function once individual components are sold. Airspace lots shall have access to appropriate public rights-of-way, common spaces, ingress, egress, parking and other areas available for common use by means of one or more easements. Airspace subdivisions shall comply with subsection B and Section 20.04.055 by use of CC&Rs or substantially equivalent management documents, subject to approval of the Community Development Director and the City Attorney and recorded on the property. The residential and non-residential components may utilize separate management documents provided that the legal agreements recorded with the subdivision define how the lots, common spaces, ingress, egress, parking, uses and easements will function once individual components are sold, to the satisfaction of the Community Development Director and City Attorney.

19.36.110 Congregate Care and Senior Residential Projects.

C. Senior Congregate Care Housing Facilities. Senior congregate care housing facilities are multi-family residential projects reserved for senior citizens, where each dwelling unit has individual living, sleeping, and bathing facilities, but where common facilities are typically provided for meals and recreation.

2. Access, Safety, and Security Features Required.

b. Safety Equipment. Indoor common areas and living units shall be provided with necessary safety equipment (e.g., safety bars), as well as emergency signal and intercom systems, subject to the approval of the Community Development Director;

19.36.125 Emergency Shelters.

C. Standards for Emergency Shelters. Emergency shelters shall be subject to the following standards:

12. The operator shall maintain a shelter management plan that addresses hours of operation, admission hours and process, staff training, neighborhood outreach and privacy, security, resident counseling and treatment. The management plan is subject to approval by the Community Development Director prior to issuance of Certificate of Occupancy.

D. The proposed shelter operator shall demonstrate compliance with the requirements of subsection C by providing the Community Development Director with a shelter management plan. The shelter management plan shall consist of a written description of the characteristics of the planned shelter along with preliminary plans for the existing or proposed shelter facility, including parking. The submission shall include sufficient detail for the Community Development Director to assess whether the proposed shelter will satisfy the requirements set forth in subsection C. Within 30 days of receiving a complete application, the Community Development Director shall inform the proposed operator whether the submission satisfies subsection C. The review shall be ministerial and any approval shall not include conditions. If the Community Development Director determines the proposed emergency shelter fails to satisfy the requirements of subsection C, the proposed operator shall be informed in writing of the conclusion, the reasons for the conclusion, and the facts on which the conclusion was based.

E. Any emergency shelter must operate in accordance with the terms of the shelter management plan approved by the Community Development Director, this Code, and the approved Conditional Use Permit, if applicable.

19.36.140 Home Businesses.

A. Limitations on Use. The following are examples of business activities that are allowed as home occupations within a residential primary use that is the principal residence of the business owner and uses that are not allowed as home occupations.

1. Allowed Home Businesses. The following uses may be approved by the Community Development Director in compliance with this section:

g. Any other use that may, as determined by the Community Development Director, be of the same general character as those listed above, and not objectionable or detrimental to surrounding properties and the neighborhood.

m. Any other use, as determined by the Community Development Director not to be incidental to or compatible with residential activities.

19.36.155 Kiosks.

C. Architectural Design. All construction and modifications to the kiosks shall:

1. Require review by the Community Development Director to ensure high quality and consistent design, compatible with the architectural character of the project.

19.36.185 Newsstands and Flower Stands.

A. Location Requirements. News and flower stands shall:

3. Not be located:

c. Within 1,000 feet of another news or flower stand, or florist, provided that this requirement may be reduced by the Community Development Director if the proposed use is determined not to be detrimental to public safety and welfare; or

d. So that the sidewalk is reduced to less than eight feet on secondary and major highways and six feet on other streets. This requirement may be modified by the Community Development Director where the clear passage provided is safe and adequate.

E. Parking. In approving an outdoor news or flower stand, the Community Development Director shall determine that some on-site parking or adequate on-street or other public parking is available in a commercial zoning district within a reasonable distance of the stand.

H. Hours of Operation. Hours of operation of news and flower stands shall be determined by the Community Development Director.

19.36.200 Nightclubs and Related Uses.

B. Site Planning and Exterior Design

2. Entrances and Exits.

b. Emergency exits shall be oriented toward commercial streets, unless the applicant provides substantial evidence, to the satisfaction of the Community Development Director, that this cannot be accomplished.

3. Loading and Receiving Areas. Loading and receiving areas shall be:

b. Screened by a noise and visual buffer (e.g., an enclosure, hedge, or other appropriate vegetation), when adjacent to a residential zoning district, unless there is substantial proof, to the satisfaction of the Community Development Director, that this cannot be accomplished.

19.36.210 Outdoor Dining.

I. Design Compatibility. The following standards are intended to ensure compatibility with surrounding uses and a high standard of design quality.

4. The relationship of outdoor dining areas to churches, hospitals, public schools, and residential uses shall be considered by the Community Development Director. Proper mitigation measures should be applied to eliminate potential impacts related to glare, light, loitering, and noise.

5. Outdoor dining areas shall maintain adequate vehicular or pedestrian traffic flow.

J. Additional Standards. At the discretion of the Community Development Director, the following additional standards may apply to outdoor dining areas. The applicability of these standards shall be specified in the permit approving the outdoor seating area.

1. Amplified sound and music may be prohibited within the outdoor dining area.
2. Separation by a physical barrier may be required, with the design to be approved by the Community Development Director.

6. Railings must be a minimum of 25 percent open and may not exceed three feet in height, except as required by the Uniform Building Code or the Alcoholic Beverage Control Act. Higher railings are permitted if required by the Uniform Building Code or the State Department of Alcoholic Beverage Control. Only barriers composed of planters, or a retaining wall may be solid. However, railings may have backings on the interior (restaurant) side of the railing that are made of fabric or other materials satisfactory to the Community Development Director. Pipe stanchions linked by chains are not permitted as a railing. Railing designs must be submitted to the Community Development Director, the City Engineer, and the Building Division for review and approval.

19.36.230 Outdoor Storage.

B. Enclosure Required. An outdoor area used for storage shall be completely enclosed by a solid masonry wall and solid gate. The Community Development Director may allow the substitution of a solid fence, after determining that the substitution would adequately comply with the provisions of this section.

1. The required wall or fence shall:

c. Be subject to approval by the Community Development Director.

19.36.260 Recycling Facilities.

A. Standards for All Recycling Facilities. All recycling facilities shall comply with the following standards.

1. Signs. Facilities shall be provided with identification and informational signs in compliance with Chapter 19.34 (Sign Standards).

c. Additional identification and directional signs, consistent with Chapter 19.34 (Sign Standards) and without advertising message, may be approved by the Community Development Director if determined to be necessary to facilitate traffic circulation, or if the facility is not visible from the public right-of-way.

19.36.270 Residential Uses – Legalization of Illegal Units.

A. Prior Existence. The applicant has submitted proof satisfactory to the Community Development Director that the unit(s) was in existence and was used as a separate dwelling unit on January 1, 2000. Proof of existence of the unit and its use as a dwelling unit shall consist of building permits indicating residential use; registration with

the Department of Rent Stabilization and Housing; County Assessor's records; previous planning and zoning permits; information from Sanborn maps; utility bills; census address data; construction receipts; rent receipts; and/or other documentation satisfactory to the Community Development Director. Units which were converted from residential use to non-residential uses after or as of January 1, 2000 may be eligible for legalization if the reconversion had been the result of previous code enforcement action against the unit, or if the property owner had filed a non-residential exemption with the Department of Rent Stabilization and Housing.

B. Waiver of Standards. Upon execution by the owner of a contract waiving the right to establish the initial rent of the unit(s) pursuant to California Civil Code Section 19.54.52(b) or 19.54.53(a)(2), the standards in this article may be waived by the Community Development Director in order to meet the minimum building code requirements for legalization to occur, except as follows:

1. Expansion of Units in Required Yards. Units to be legalized which are wholly or partially in required setback areas may be legalized. Expansion of units to be legalized into a required setback area is not permitted except that those units which currently have a kitchen, as defined by the West Hollywood Building Code, may be expanded to meet minimum unit size under the Building Code, and such expansion may be in a required yard. Expansion of any unit for any other reason must meet setback requirements. In all cases, any construction in a required yard to allow for an expansion of a unit may not exceed a height of fifteen feet and one story, and the Community Development Director may further limit the height of new construction in a required yard to prevent impacts to neighboring properties.

3. Parking.

b. On a property that, prior to legalization of an additional unit(s), has five units or more, legalization may not be approved when the units to be legalized occupy required parking areas, unless it can be shown that those spaces were unusable, or that substitute parking is provided, in which case the provision of substitute parking for the unit to be legalized may be required by the Community Development Director when feasible.

c. In all other circumstances, parking requirements may be waived.

d. In all cases, the Community Development Director may require, as a condition of legalization, the demolition of any accessory structures or the removal of any objects placed in driveways or other existing paved areas, in order to maximize off-street parking spaces.

4. Compliance with Other Standards. To the degree feasible, as judged by the Community Development Director, compliance with otherwise applicable provisions of the Zoning Ordinance has been maximized.

C. Privacy. All repairs, alterations and/or enlargements of the unit(s) must be done in a manner that minimizes impacts on the privacy of neighboring residential properties, to the satisfaction of the Community Development Director.

D. Feasibility. Units may be legalized only if, in the opinion of the Building Official, it is physically feasible to make the unit(s) come into full compliance with the Building Code, and the legalization has been given tentative approval by the Fire

Department, and other affected agencies and city departments, to the satisfaction of the Community Development Director.

19.36.300 Residential Uses – Residential Accessory Uses and Structures.

A. General Requirements for Accessory Structures Other than Garages in Rear Yards, Accessory Dwelling Units, and Junior Accessory Dwelling Units. Accessory structures may be located within a required rear setback in compliance with the following standards.

3. Site Coverage. Roofed accessory structures shall not occupy more than 50 percent of the required rear setback, provided that the Community Development Director may approve additional coverage where a replacement open area equivalent to the additional coverage over 50 percent is substituted elsewhere on the site, provided that:

a. The Community Development Director determines that the usability and location of the substitute area is equally satisfactory; and

4. Height Limit. Accessory structures shall not exceed a height of 16 feet and one story.

B. Driveways, Walkways, and Patios. Driveways, walkways, patio slabs, and other areas paved with concrete, asphalt or similar materials, and wooden decks, may be placed in up to 50 percent of the area within any required setback, provided that the structures do not exceed a height of 12 inches. This requirement does not exclude the use of steps providing access between areas of different elevation on the same site. At least 50 percent of all setback areas shall consist of permeable surface. The Community Development Director may approve additional coverage where a replacement open area equivalent to the additional coverage over 50 percent is substituted elsewhere on the site.

19.36.310 Residential Uses – Accessory, and Junior Accessory, Dwelling Units.

E. General ADU and JADU Requirements.

9. Deed Restriction. Prior to issuance of a building permit for an ADU or JADU, a deed restriction must be recorded against the title of the property in the County Recorder's office and a copy filed with the Community Development Director. The deed restriction must run with the land and bind all future owners. The form of the deed restriction will be provided by the city and must provide that:

d. The deed restriction may be removed if the owner eliminates the ADU or JADU, as evidenced by, for example, removal of the kitchen facilities. To remove the deed restriction, an owner may make a written request of the Community Development Director, providing evidence that the ADU or JADU has in fact been eliminated. Any building permits required in the removal must be approved prior to the Community Development Director's determination. The Community Development Director may then determine whether the evidence supports the claim that the ADU or JADU has been eliminated. Appeal may be taken from the Community Development Director's determination consistent with other provisions of this Code. If the ADU or JADU is not entirely physically removed but is only eliminated by virtue of having a necessary

component of an ADU or JADU removed, the remaining structure and improvements must otherwise comply with applicable provisions of this Code.

e. The deed restriction is enforceable by the Community Development Director or his or her designee for the benefit of the city. Failure of the property owner to comply with the deed restriction may result in legal action against the property owner, and the city is authorized to obtain any remedy available to it at law or equity, including, but not limited to, obtaining an injunction enjoining the use of the ADU or JADU in violation of the recorded restrictions or abatement of the illegal unit.

19.36.311 Residential Uses – Garages and Carports, and Parking.

B. Appearance.

1. Carports. Carport parking shall consist of a solid roof structure, lattice, overhang, or combination of these, that completely covers a parking stall. The Community Development Director may modify this standard for carports within three feet of property lines.

19.36.325 Residential Uses – Two-Unit Projects in the R1A and R1C Districts.

E. Application.

1. A Zone Clearance application is required for a two-unit project, in accordance with Chapter 19.42. The application shall be ministerially reviewed by the Community Development Director.

19.36.330 Service Stations.

B. Additional Requirements for Modified or Expanded Stations. This section applies to all lawfully developed and operating service station uses in existence prior to October 17, 2022, or service station uses not yet developed and/or operating but subject to an approved and unexpired use permit. Any modification or expansion of an existing service station shall comply with all of the following standards:

1. Permit Requirement. The modification or enlargement of an existing nonconforming service station costing more than 25 percent of the appraised value of the existing building, as shown in the County Assessor's records, or twenty-five thousand dollars (\$25,000.00), whichever is less, shall require conditional use permit approval (Chapter 19.52). The development standards and/or permit requirements set forth in this section may be modified as necessary if the proposed changes improve the environmental conditions (e.g., soil, safety, or other related changes) of the site, as determined by the Community Development Director.

4. Landscaping. The service station site shall be landscaped in compliance with Chapter 19.26 (Landscaping Standards), and the following requirements. The following requirements only apply to modification or expansion projects of fifty thousand dollars (\$50,000.00) or greater value.

f. Additional Landscaping. Additional landscaping may be required by the Community Development Director to screen the service station from adjacent residential properties.

8. Perimeter Wall Required. If a service station adjoins a residential zoning district, the owner of the station shall provide a perimeter wall if the total cost for

the proposed modification or expansion project is more than 25 percent of the appraised value of the existing building, as shown in the County Assessor's records, or twenty-five thousand dollars (\$25,000.00), whichever is less. The perimeter wall shall be decorative masonry and shall be constructed along the common property line with the residential zoning district. The height of the wall shall be at least six feet and no more than 10 feet as measured from the grade of the residential property. Colors, materials, textures, and design of the wall shall be compatible with onsite development and adjacent properties and shall be subject to the approval of the Community Development Director.

10. Restroom Screening. Restroom entrances viewable from adjacent properties or public rights-of-way shall be concealed from view by planters or decorative screening subject to the approval of the Community Development Director.

14. The development standards set forth in this section may be modified by the Community Development Director as necessary to install aboveground, enhanced vapor recovery phase II equipment as required by California Air Resources Board Vapor Recovery Advisory No. 359-EVR. The Community Development Director may modify a development standard upon sufficient showing by the applicant that the requested modification is necessary properly to install the vapor recovery equipment.

19.36.335 Single Room Occupancy.

A. Standards for Single Room Occupancy. Pursuant to California [Health and Safety Code](#) Section 17958.1, single room occupancy housing shall be subject to the following standards:

3. Management. The operator shall maintain a management plan that addresses management policies and operations, rental procedures and rates, maintenance plans, residency and guest rules and procedures, security procedures, and staffing needs, including job descriptions. A 24-hour resident manager shall be provided for any single-room occupancy use with 12 or more units. The management plan is subject to approval by the Community Development Director prior to issuance of Certificate of Occupancy.

19.36.345 Supper Clubs.

A. Review Requirement. A supper club shall require approval of a minor conditional use permit (Chapter 19.52) subject to annual reviews by the Community Development Director.

19.36.350 Telecommunications Facilities.

B. Satellite Antennas. Satellite antennas intended for on-site reception with no off-site transmission, including portable units and dish antennas other than those exempted above, shall be designed, installed, and maintained in compliance with the Federal Communications Commission (FCC), the California Public Utilities Commission (CPUC), and this section, when these provisions are not in conflict with applicable federal and state regulations.

3. Residential Zoning Districts. Antennas in a residential zoning district shall comply with the following standards. The Community Development Director may

modify these requirements if strict compliance would result in no or poor satellite reception.

f. Screening.

(1) Ground-mounted antennas shall be separated from adjoining properties by a minimum six-foot high solid fence or wall, or by plants or trees of equal minimum height, approved by the Community Development Director.

(2) Roof-mounted antennas shall be screened from ground view by a parapet or other type of screening. The minimum height and design of the screening shall be subject to approval by the Community Development Director. Screening materials shall be architecturally compatible with the rest of the structure.

19.36.370 Vehicle Repair Shops.

B. Hours of Operation. All repair activities shall be limited to between the hours of 8:00 a.m. and 9:00 p.m. The Community Development Director may further limit the hours of operation if the proposed use is adjacent to a sensitive land use (e.g., residential uses, schools, etc.).

19.36.380 Vehicle Sales and Rentals.

A. Hours of Operation. The Community Development Director may limit the hours of operation if the proposed use is adjacent to sensitive land use (e.g., residential uses, schools, etc.).

C. Circulation Plan. A plan showing the ingress and egress on the site and the circulation proposed for the test driving of vehicles, both to and from the site, shall be submitted for approval by the Community Development Director.

D. Display and Screening Requirements. All vehicles displayed for sale or rental and visible from a street shall be maintained within a showroom. All vehicles on the site shall be completely screened from adjacent uses, in a manner approved by the Community Development Director.

SECTION 38: Chapter 19.40 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.40.020 Authority for Land Use and Zoning Decisions.

Table 4-1 (Review Authority) identifies the city official or body responsible for reviewing and making decisions on each type of application, land use permit, and other entitlements required by this Zoning Ordinance.

The Community Development Director may refer any request to the Planning Commission for a decision. Additional fees shall not be charged to the applicant in the event of a Community Development Director's referral. See also Section 19.62.070 (Amendments to an approved project).

Any city official or body serving as the city's decision making or appeal review authority for a project as set forth in Table 4-1 shall have the authority to adopt and/or certify environmental reviews performed under the California Environmental Quality Act.

SECTION 39: Chapter 19.42 of the West Hollywood Municipal Code is amended to read as follows:

19.42.030 Procedure.

A. Community Development Director's Action. The Community Development Director may issue a zone clearance only after determining that the request complies with all applicable standards and provisions for the category of use in the zoning district of the subject parcel, in compliance with this Zoning Ordinance.

C. Major Zone Clearances. For projects determined by the Community Development Director to potentially not comply with all applicable requirements of this Zoning Ordinance, or which are proposed on sites or in areas of the city with known problems, the Community Development Director shall perform an on-site inspection of the site before determining that the request complies with all applicable provisions of this Zoning Ordinance.

19.42.040 Post-Approval Procedures.

B. Construction Mitigation. Prior to receiving a Building Permit, the applicant shall submit a Minor Construction Mitigation Period Plan on a form provided by the Community Development Department, demonstrating compliance with the applicable construction mitigation standards in this Code.

D. Two-Unit Project. The ministerial approval of a two-unit project does not take effect until the city has confirmed that the required documents have been recorded, such as the deed restriction and easements, as necessary. Notwithstanding other provisions of this Code, approval of two-unit projects is ministerially reviewed and approved by the Community Development Director pursuant to Section 19.36.325(E)(1).

SECTION 40: Chapter 19.44 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.44.020 Applicability.

A. When Required. An administrative permit shall be required for any land use listed in Article 19-2 (Zoning Districts and Allowable Land Uses) as requiring administrative permit approval, and the following uses and construction:

9. New or expanded (including expanded hours of operation) outdoor dining areas and other outdoor commercial uses with similar light, noise, and impact characteristics as determined by the Community Development Director, located on roof-tops, terraces, or other outdoor locations above the ground floor. The Community Development Director shall take action on outdoor commercial uses above the ground floor as follows:

a. Outdoor commercial areas located further than 100 feet from residential uses or located in the front portion of a commercial building where the commercial structure is located between the outdoor commercial use area and residential uses that meet the requirements of Section 19.36.235 shall be administratively approved by the Community Development Director.

b. Outdoor commercial uses that are above the ground floor and are located on an outdoor deck or roof-top area of a commercial building within direct line of sight of an adjacent residential use, or within 100 feet of a residential use, shall require

the approval of an administrative permit by the Community Development Director at a duly noticed public hearing in accordance with Chapter 19.74.

10. Outdoor dining with late night alcoholic beverage sales for on-site consumption (after 11:00 p.m.), shall require the approval of an administrative permit by the Community Development Director at a duly noticed public hearing in accordance with Chapter 19.74.

11. Restaurants with alcoholic beverage sales, on- and off-site consumption (take-out via pickup) with appropriate ABC License;

12. The use of dwelling units for rental between 31-365 days, as further regulated by Section 19.36.275.

19.44.030 Review Authority.

An administrative permit may be approved or denied by the Community Development Director. The Community Development Director may instead elect to defer action and refer the application to the Planning Commission for a decision.

19.44.040 Application Filing, Processing, and Review.

B. Notice. Public notice of a requested administrative permit shall be provided by posting the subject parcel with a minimum 11" by 17" legal notice, with the information required by the Community Development Director; provided that façade renovation shall require no notice unless deemed necessary by the Community Development Director. The notice shall be continuously posted for seven days before the Community Development Director's action.

19.44.050 Findings and Decision.

The administrative permit shall be approved, with or without conditions, only if the Community Development Director first finds that:

19.44.060 Conditions of Approval.

In approving an administrative permit, the Community Development Director may require alterations to proposed plans, and may impose reasonable and necessary specific design, locational, and operational conditions which are intended to ensure that:

19.44.070 Post-Approval Procedures.

Decisions of the Community Development Director may be appealed in compliance with Chapter 19.76 (Appeals). The procedures of Chapter 19.62 (Permit Implementation, Time Limits, and Extensions) shall apply after the approval of an administrative permit.

SECTION 41: Chapter 19.48 of Title 19 the West Hollywood Municipal Code is amended to read as follows:

19.48.030 Review Authority.

TABLE 4-2 DEVELOPMENT PERMIT REVIEW AUTHORITY

Notes:

(2) The Community Development Director may defer action and refer the application to the Planning Commission for review under Section 19.40.020.

(3) The Community Development Director may defer action and refer the application to the Planning Commission for review if the Community Development Director determines that the project meets the goals but not the requirements of the Sunset Specific Plan or if the project:

19.48.040 Application Filing, Processing, and Review.

C. Notice and Hearing.

1. Planning Commission Review. An application for a development permit requiring Planning Commission review shall be scheduled for a public hearing once the Community Development Department has determined the application to be complete. (See Chapter 19.40 – Application Filing and Processing). Notice of the public hearing shall comply with Chapter 19.74 (Public Hearings and Notice).

2. Community Development Director Review. A property that is the subject of a development permit requiring Community Development Director review shall be posted with a sign giving notice of the application for at least 28 days before the date on which the public comment period will end. The sign shall include the development permit number, the address and a description of the project and the date on which the public comment period will end and shall be of a format and size prescribed by the Community Development Director. If the project includes new residential dwelling units, the sign dimensions shall be in compliance with Section 19.74.020(B)(3) (Posting of Site).

SECTION 42: Chapter 19.50 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.50.030 Review Authority.

A demolition permit may be approved by the Community Development Director or the Planning Commission, whichever has authority to approve the discretionary permits being processed concurrently with the demolition permit application; provided however, that:

- A. The Community Development Director may approve a demolition permit in the event demolition of a structure is compelled by public safety as provided in Section 19.50.040; and

19.50.070 Suspension and Revocation.

A demolition permit may be suspended or revoked by the Community Development Director upon finding that:

- A. The demolition permit was obtained in a fraudulent manner;
- B. The demolition permit was issued in error;
- C. The permittee has failed or refused to comply with any condition of approval; or
- D. Significant demolition activity has ceased for more than 30 successive calendar

days.

A suspension of the permit shall take effect immediately, and shall be followed by a public hearing, at which the Community Development Director shall consider evidence pertaining to any or all of the above findings and determine whether the permit should be reinstated or revoked. Not less than 10 days' notice of the hearing shall be given to the permittee.

19.50.080 Expiration.

A demolition permit approved under this chapter shall expire the sooner of six months from the date of approval by the Community Development Director or Planning Commission, as applicable, if demolition pursuant to the permit has not commenced or is not proceeding with due diligence, or upon expiration of the discretionary permits approved concurrently therewith. The permittee may request one or more extensions of time of not to exceed six months each, provided that the application for an extension is filed with the Community Development Director before the expiration date. A decision on the application for extension shall be made by the Community Development Director. An extension shall not be granted unless the construction financing referred to in Section 19.50.060(B) is in place.

SECTION 43: Chapter 19.52 OF Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.52.020 Review Authority.

B. Community Development Director Review. The Community Development Director shall approve, modify, or deny a minor conditional use permit application for any use listed in Article 19-2 (Zoning Districts and Allowable Land Uses) as requiring a minor conditional use permit, or may refer the application to the Planning Commission for a decision. The Community Development Director shall also act upon minor conditional use permit applications for the expansion, maintenance, or repair of a nonconforming structure in compliance with Chapter 19.72 (Nonconforming Uses, Structures, Signs and Parcels).

19.52.030 Application Filing, Processing, and Review.

B. Notice and Hearings. The application shall be scheduled for a public hearing once the Community Development Department has determined the application to be complete. Notice of the public hearing shall be provided in compliance with Chapter 19.74 (Public Hearings and Notice).

SECTION 44: Chapter 19.56 of Title 19 the West Hollywood Municipal Code is amended to read as follows:

19.56.030 Review Authority.

A. Community Development Director - Minor Parking Use Permits. The Community Development Director shall be the review authority for parking use permits:

1. Where the use associated with the proposed parking requires Community Development Director review and decision in compliance with Article 19-2 (Zoning Districts and Allowable Land Uses); and

19.56.040 Application Filing, Processing, and Review.

B. Notice. Public notice of a requested parking use permit shall be provided by posting both the location of the proposed parking, and the site of the use that will use the parking. The posted notice shall be a minimum of 11" by 17", shall contain the information required by the Community Development Director, and information on any other permit that is simultaneously being processed by the city for the same site. The notice shall be continuously posted for seven days before the Community Development Director's action.

Posting is required in a clearly visible location on each street frontage. In the case of a major parking use permit for a project that requires Planning Commission approval of a separate discretionary permit, the posted notice, mailed notice and the required newspaper notice, shall be combined with that required by this article for the discretionary permit. A mailed notice to properties around the off-site parking location is required.

19.56.080 Terms of Off-Site Parking.

B. Proof of Availability. Lessees of off-site parking that provides required spaces shall provide proof to the Community Development Director of continuous leases for the off-site spaces annually by January 31.

C. Loss of Off-Site Spaces.

1. Notification to the City. The owner or operator of a business that uses approved off-site spaces to satisfy the requirements of Chapter 19.28 (Off-Street Parking and Loading Standards) shall immediately notify the Community Development Director of any change of ownership or use of the property for which the spaces are required, and of any termination or default of the agreement between the parties.

2. Effect of Termination of Agreement. Upon notification that a lease for required off-site parking has terminated, the Community Development Director shall determine a reasonable time in which one of the following shall occur:

a. Substitute parking is leased that is acceptable to the Community Development Director;

19.56.090 Post-Approval Procedures.

B. Voluntary relinquishment of an existing parking use permit for the purpose of participating in the Parking Credits Program shall require a minor change to an approved project pursuant to Section 19.62.070. Upon application and payment of a permit modification fee, the Community Development Director may authorize the relinquishment of an existing parking use permit upon finding that the business is meeting its parking requirements by participating in the Parking Credits Program. The required parking credits contract shall be executed prior to the relinquishment of the parking use permit.

SECTION 45: Chapter 19.58 of Title 19 the West Hollywood Municipal Code is amended to read as follows:

19.58.040 Review Authority.

H. Reviewing all applications for permits, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents pertaining to designated and potential cultural resources, or related neighboring property within public view. "Neighboring properties within public view" shall mean any property that can be seen from a public right-of-way and which is within the same street block (on either side of the street) as a cultural resource. The Community Development Department staff shall forward all these documents to the HPC for review and comment, before review and approval by the HPC, as appropriate. The review may either be under the auspices of a certificate of appropriateness or as a HPC consideration item on the HPC agenda;

J. Recommending to the Community Development Department the retaining of consultants and qualified archaeologists when potential archaeological resources are involved and the conducting of studies as the HPC deems desirable or necessary;

19.58.070 Review and Approval of Designations.

A. Application.

1. An application requesting designation may be submitted as follows:

a. Any person or group may submit an application requesting the designation of an area, improvement, natural feature, object, or structure as a cultural resource or historic district by submitting a completed written nomination statement for the designation to the Community Development Department. Applications are not limited to buildings previously identified in the historic resource inventory.

2. The application for nomination shall be kept on file in the Community Development Department and shall contain, at a minimum, the following:

B. Notice and Hearing.

1. Notification that an application for the nomination of a particular property or area has been submitted shall be sent to the property owner(s) and occupant(s) of the property within 10 days of the Community Development Department's finding the completed nomination application complete.

3. The Community Development Director shall determine whether the nomination application is complete. If complete, the application shall be filed and the time for notification shall begin to run. If the Community Development Department determines that the application papers are incomplete, the Community Development Department shall send a letter, notifying the applicant and specifying the documentation which would be necessary to complete the application for filing. A nomination application shall not be considered filed unless and until it is determined to be complete by the Community Development Department.

19.58.090 Certificates of Appropriateness, Generally.

C. *Application Filing.* Applications for Certificates of Appropriateness shall be filed with the Community Development Department. Applications shall include plans and specifications showing the proposed change in architectural appearance, color and texture of materials, the proposed architectural design of the structure, and any information as required by the application on file in the Community Development Department. The application shall also show the relationship of the proposed work to the surrounding environs. Applications for Certificates of Appropriateness may propose discreet alterations of a cultural resource or may propose a long-term plan of rehabilitation and preservation of a particular resource.

19.58.100 Review and Approval of Certificates of Appropriateness.

A. *Noticing.* For every completed application for a certificate of appropriateness, the HPC shall schedule a public hearing as soon as practicable after receipt of the application. A Community Development Director approved certificate of appropriateness as authorized in subsection (B)(4), below, shall be received and approved in compliance with the process for administration of permits in Section 19.44.040. Notice shall be given as follows:

3. In evaluating applications for Certificates of Appropriateness, the HPC or Community Development Director shall use any adopted design guidelines, CEQA Guidelines, and the Secretary of the Interior's Standards for Rehabilitation and shall consider the factors (e.g., the existing and proposed architectural style, arrangement, color, design, materials, and texture to be used) with regard to the original distinguishing architectural characteristics of the cultural resource. In addition, the Community Development Director may require that the proposed work be reviewed by a preservation architect. The actual work must be completed by a preservation contractor or someone with demonstrated expertise in the field.

4. The Community Development Director may approve Certificates of Appropriateness for proposals which are for minor architectural elements and details, paint or other colorings or finishes, minor site improvements, or signage. Community Development Director approval of a certificate of appropriateness shall require making all of the certificate of appropriateness findings in subsection (D) but does not require a public hearing or public notice. The Community Development Director may also approve fences, replacement of window glass, replacement in-kind of windows, doors, roofs, or exterior materials, or proposals which are determined by the Community Development Director to be ordinary maintenance or repair, and which are conducted in a manner that preserves the archaeological, cultural, and historic value of the cultural resource through conformance with the prescriptive standards adopted by the Historic Preservation Commission for that cultural resource, cultural resource property, or historic district and/or the guidelines of the Secretary of the Interior's Standards for Rehabilitation. Minor changes or modifications to a certificate of appropriateness can be approved by the Community Development Director, even if the Community Development Director was not the approving body. The Community Development Director may refer any certificate of appropriateness application to the HPC.

C. Investigation for Certificates of Appropriateness. The HPC or the Community Development Director shall be authorized to require the applicant to furnish material evidence, as needed, supporting the request for alteration, demolition, or removal of a cultural resource or to give testimony and furnish evidence of any or all of the following, where appropriate:

F. Period of Validity of Certificate of Appropriateness. A certificate of appropriateness shall become void unless construction is commenced within 24 months from the date of public action approving the certificate. Certificates of Appropriateness may be renewed for a 24-month period by applying to the Community Development Department a minimum of 30 days before the expiration of the certificate. The review authority may grant an extension for another 24-month period. A certificate of appropriateness may be extended only twice. A new certificate of appropriateness is required thereafter.

19.58.150 Rehabilitation Incentives.

D. Application Content. Applications shall include the following information:

11. Other information deemed necessary by the Community Development Director.

F. Transfer of Development Rights. TDRs are meant to encourage historic preservation by allowing an owner of a cultural resource to transfer unused development rights which would otherwise be permitted on the property to transfer the unused development rights to another site in the city. The Council has established, by resolution, criteria upon which the transfers shall be conditioned. This is called the Transfer of Development Rights Program, a copy of which is on file in the Community Development Department.

19.58.160 Ordinary Maintenance and Repairs.

B. Enforcement. It shall be the duty of the Community Development Director to enforce this chapter.

19.58.170 Unsafe or Dangerous Condition.

In the case of damage to a structure which is the result of an isolated incident, the Community Development Director may approve certificates of appropriateness for structures for which there is a threat of imminent hazard as determined by the Building Official. In the case of widespread damages to structures throughout the city (as in the case of an earthquake), the Community Development Director shall stay all notices to demolish designated or potential cultural resources, including all structures in designated or potential districts, until a structural engineer with expertise in the restoration of historic structures has evaluated the nature and extent of the damage to the structure(s) and recommended steps to stabilize the structure(s). The city shall stabilize or isolate damaged structures to permit persons with appropriate expertise to further evaluate the damage. In cases where a structural engineer with expertise in the restoration of historic structures has determined that the building cannot be stabilized, then the Community Development Director may issue a certificate of appropriateness for the demolition of a structure(s). See also Section 19.58.120.

SECTION 46: Chapter 19.62 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.62.020 Effective Date of Permits.

A. Discretionary Decisions by Community Development Director or Planning Commission. Administrative permits, development permits, conditional use permits, minor conditional use permits, modifications, and variances shall become effective on the 11th day following the date a decision is rendered, unless an appeal is filed in compliance with Chapter 19.76 (Appeals). The number of days shall be construed as calendar days. Time limits will extend to the following City Hall working day where the last of the specified number of days falls on a weekend, holiday, or other day when City Hall is officially closed. A decision shall be considered rendered as follow:

19.62.030 Permit Time Limits and Extensions.

D. Review Authority. Upon good cause shown, the first extension may be approved, approved with modifications, or denied by the Community Development Director. The Community Development Director may refer the application to the Planning Commission. Subsequent extensions of permits approved by the Planning Commission

may be approved, approved with modifications, or denied by the Planning Commission. Permit extension decisions may be appealed in compliance with Chapter 19.76 (Appeals).

E. Public Notice for Extensions.

1. Notice of a requested extension shall be given in compliance with Chapter 19.74 (Public Hearings and Notice) and by mail 10 days in advance of the hearing to any person who spoke or wrote a letter that was read on the record or submitted to the Community Development Director on or before the date of the original approval.

19.62.040 Acceptance of Conditions.

No land use permit approval in compliance with this chapter shall be deemed effective and no construction permit shall be issued until each owner of record signs and executes an affidavit provided by the Community Development Department declaring that each owner is aware of and accepts any conditions of approval that have been imposed upon the land use permit, and each owner records or has recorded the permit and affidavit with the Los Angeles County Registrar-Recorder's Office.

19.62.050 Performance Guarantees.

The applicant or owner may be required by a permit's conditions of approval or by action of the Community Development Director to provide adequate security to guarantee the faithful performance of any or all conditions of approval imposed by the review authority. The Community Development Director shall set the amount of the required security at a level that is reasonable in relation to the conditions being guaranteed.

19.62.060 Issuance of Construction Permits.

B. All conditions of approval prerequisite to construction have been completed, or the Community Development Director has authorized their deferral on the basis of a performance guarantee (see Section 19.62.050, Performance guarantees).

19.62.070 Amendments to an Approved Project.

A. Minor changes may be approved, modified, or denied by the Community Development Director. Major changes shall be approved, modified or denied by the original review authority.

B. The Community Development Director shall determine whether a proposed change is major or minor. The determination that the change is major depends on whether the proposal may result in:

19.62.090 Resubmittals.

A. Denial With Prejudice. An application or appeal may be denied with prejudice. If the denial becomes final, no further application for the same or substantially similar discretionary permit or entitlement for the same parcel shall be filed for a period of one year. An application may be denied with prejudice on the grounds that two or more similar applications for the same parcel have been denied in the past two years, or that another cause exists for limiting the refiling of the application.

The Community Development Director shall determine whether a subsequent application for a discretionary land use permit or entitlement is for the same or a substantially similar use, or land use request that was denied with prejudice.

SECTION 47: Chapter 19.64 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.64.030 Exemptions.

B. Non-Residential Projects. Non-residential projects proposing the construction or addition of less than 10,000 square feet of non-residential gross floor area. For the purposes of this chapter, the alteration of gross floor area shall be considered “construction” if the value of the alteration exceeds 50 percent of the replacement cost of that floor area, as determined by the Community Development Director;

19.64.040 Calculation and Payment of Fees.

A. Calculation of Fees. The Community Development Director shall calculate the fees required by this chapter at the time of building permit issuance. Fees may be adjusted if the project is changed.

2. Application. There shall be a separate application for each fee adjustment request made in compliance with this section. The application shall be made on forms provided by the Community Development Department and shall be filed with the City Clerk. The application shall state, in sufficient detail as determined by the Community Development Director, the factual basis for the requested adjustment, reduction, or waiver.

D. Refunds. Upon application, fees collected by the city in compliance with this chapter shall be refunded only under the following circumstances:

1. Building Permit Expiration. The building permit for the development project subject to the fees expired and no extension has been granted. A written application for refund in compliance with this subsection shall be filed with the Community Development Director no later than 90 days after expiration of the building permit; or

2. Improper Collection. If fees collected in compliance with this chapter are erroneously or illegally collected, a written application for refund shall be filed with the Community Development Director no later than 90 days after the initial payment of the fees in compliance with this section.

E. Credits for Needed Facilities or Trip Mitigation Measures. An applicant shall be entitled to a reduction in the amount of the fees required by this chapter, in an amount to be determined by the Community Development Director, if the applicant:

SECTION 48: Chapter 19.66 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.66.020 Application.

A. Owner’s Request. An owner of real property may request and apply through the Community Development Director to enter into a development agreement provided that:

1. The status of the applicant as property owner or bona fide representative of the owner is established to the satisfaction of the Community Development Director;

2. The application is accompanied by all documents, information, and materials required by the Community Development Department.

B. Community Development Director Review. The Community Development Director shall receive, review, process, and prepare recommendations for Planning Commission and Council consideration on all applications for development agreements.

D. Fees. The application for approval of a development agreement shall include the processing fee established by the city's Fee Resolution. Additionally, appropriate fees shall be established and collected for periodic reviews conducted by the Community Development Director in compliance with Section 19.66.070(A), below.

19.66.030 Public Hearings.

A. Planning Commission Hearing. The Community Development Director, upon finding the application for a development agreement complete, shall set the date for a public hearing before the Planning Commission in compliance with Chapter 19.74 (Public Hearings and Notice). Following conclusion of a public hearing, the Planning Commission shall adopt a resolution and make a written recommendation to the Council that it approve, conditionally approve, or deny the application.

19.66.050 Execution and Recordation.

C. Other Permits or Entitlements. The provisions of this chapter shall not be construed to prohibit the Community Development Director, Planning Commission or Council from conditioning approval of a discretionary permit or entitlement on the execution of a development agreement where the condition is otherwise authorized by law.

19.66.070 Periodic Review.

A. Periodic Review. Every development agreement approved and executed in compliance with this chapter shall be subject to periodic review by the Community Development Director during the full term of the agreement. Appropriate fees to cover the city's costs to conduct the periodic reviews shall be collected from the contracting party in compliance with Section 19.66.020(D) (Application), above.

C. Result of Periodic Review. If, as a result of a periodic review in compliance with this section, the Community Development Director finds and determines, on the basis of substantial evidence, that the contracting party or the successor-in-interest has not complied in good faith with the terms or conditions of the agreement, the Community Development Director shall notify the Planning Commission which may recommend to the Council that the agreement be terminated or modified.

SECTION 49: Chapter 19.68 of Title 19 the West Hollywood Municipal Code is amended to read as follows:

19.68.020 Initiation and Pre-Submittal of Specific Plans.

B. Property Owner. By an application in compliance with Section 19.40.030(A) (Eligibility for filing). If initiated by property owners, the following shall occur before the filing of an application:

1. Pre-Submittal Review. A pre-submittal application, fee, and conference with the Community Development Director; and

2. Public Meetings. The applicant shall hold at least one public meeting to identify potential community impacts and concerns relating to the proposed plan. Public notice of the meeting shall be provided in compliance with Chapter 19.74 (Public Hearings and Notice), and the appropriate procedures for the meeting shall be determined by the Community Development Director.

19.68.030 Preparation and Content of Specific Plans.

The initiator shall prepare a draft specific plan for review by the city that includes detailed information in the form of text and diagrams, organized in compliance with an outline furnished by the Community Development Department and state law (Government Code Section 65451). The following information shall be provided:

G. Additional Information. The specific plan shall contain any additional information determined to be necessary by the Community Development Director based on the characteristics of the area to be covered by the plan, applicable policies of the General Plan, or any other issue(s) determined by the Community Development Director to be significant.

19.68.040 Filing, Processing, and Adoption of Specific Plans.

A. Filing and Initial Processing. A draft specific plan proposed by a property owner shall be filed with the Community Development Department and shall be accompanied by the fee required by the city's Fee Resolution. A draft plan proposed by an applicant or prepared by the city shall then be processed in the same manner as required for General Plans by state law (Government Code Section 65350 et seq.), and as provided by this section.

B. Community Development Department Evaluation. After the receipt of a draft specific plan, the Community Development Department shall review the draft plan to determine whether it complies with the provisions of this chapter. If the draft plan is not in compliance, it shall be returned to the applicant with a written explanation of why it does not comply, and with suggested revisions to ensure compliance. When a draft plan is returned by the applicant to the Department and the Department determines it is complete and in compliance with this chapter, the plan shall be deemed to be accepted for processing, in compliance with Section 19.40.040(A) (Review for completeness).

SECTION 50: Chapter 19.69 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.69.020 Review Authority.

A. Applications for a reasonable accommodation shall be reviewed by the Community Development Director or designee, if no approval is sought other than the request for reasonable accommodation permit, and a Zone Clearance if required, as set forth in Section 19.69.030(B). The Community Development Director may, in his or her discretion, refer applications that may have a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) to the Planning Commission at the next meeting at which the matter may be heard.

C. The Community Development Director, or designee, shall consider an application, and issue a written determination within 40 calendar days of the date of receipt of a completed application. At least 10 calendar days before issuing a written determination on the application, the Community Development Director shall mail notice to the applicant and the adjacent property owners that the city will be considering the application, advising of the legal standards for issuing an accommodation, and inviting written comments on the requested accommodation permit. Notice to adjacent property owners may be waived for applications that the Community Development Director determines based on evidence will have negligible impacts on surrounding properties.

D. Upon a referral from the Community Development Director, the Planning Commission shall consider an application at the next reasonably available public meeting after submission of a completed application for a reasonable accommodation permit. The Planning Commission shall issue a written determination within 40 calendar days after such public meeting. Notice of a Planning Commission meeting to review and act on the application shall be made in writing, 10 calendar days prior to the meeting and mailed to the applicant and the adjacent property owners.

19.69.030 Application Submittal.

A. Notwithstanding the provisions of Section 19.40.030, a request for a reasonable accommodation permit shall be made on a form supplied by the Community Development Department including the following information:

19.69.050 Decision.

A. The reviewing authority's written decision shall set forth the findings, any conditions of approval, notice of the right to appeal, and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the Community Development Director to any person having provided written comment on the application.

F. Prior to the issuance of any permits relative to an approved reasonable accommodation permit, the Community Development Director may require the applicant, or property owner if different, to record a covenant in the County Recorder's Office, in a form approved by the City Attorney, acknowledging and agreeing to comply with the terms and conditions established in the determination. The covenant shall be required only if the Community Development Director finds that a covenant is necessary to provide notice to future owners that reasonable accommodation has been approved.

G. An accommodation is granted to an individual(s) and shall not run with the land unless the Community Development Director finds that the modification is physically integrated on the property and cannot feasibly be removed or altered. Upon revocation of the accommodation in accordance with Section 19.80.060(F), the reasonable accommodation may be required to be removed or substantially conformed to the code if reasonably feasible.

19.69.070 Notice to the Public of Availability of Accommodation Process.

The city shall prominently display in the public areas of the Community Development Department at City Hall a notice advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this chapter. City employees shall direct individuals to the

display whenever they are requested to do so or reasonably believe that individuals with disabilities or their representatives may be entitled to a reasonable accommodation.

SECTION 51: Chapter 19.70 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

Chapter 19.70 ADMINISTRATIVE RESPONSIBILITY

Sections:

- 19.70.010 Purpose.
- 19.70.020 Planning Agency Defined.
- 19.70.030 Planning Commission.
- 19.70.040 Historic Preservation Commission (HPC).
- 19.70.050 Community Development Director.

19.70.020 Planning Agency Defined.

As provided by state law (Government Code Section 65100), the West Hollywood City Planning Commission, Historic Preservation Commission (HPC), and Community Development Department shall perform the functions of a planning agency.

19.70.050 Community Development Director.

A. Appointment. The Community Development Director is appointed and serves in compliance with Chapter 2.16 of the West Hollywood Municipal Code (Community Development Department).

B. Duties and Authority. The Community Development Director shall perform the duties prescribed in Section 2.16.030 of the West Hollywood Municipal Code (Duties of the Community Development Director), and shall:

1. Have the responsibility to perform all of the functions designated by state law (Government Code Section 65103 [Planning Agency Functions]); and
2. Perform the duties and functions prescribed in this Zoning Ordinance.

C. Supervision. The responsibilities of the Community Development Director may be temporarily delegated to a designated Community Development Director staff person as follows:

1. Except where otherwise provided by this Zoning Ordinance, the responsibilities of the Community Development Director may also be carried out by Community Development Department staff under the supervision of the Community Development Director; and
2. When the Community Development Director designates a Community Development Director staff person to act in place of the Community Development Director, the staff person shall perform the duties assigned by the Community Development Director in addition to those listed in Section 19.70.050(B), above, as appropriate to the personnel title of the staff designee.

SECTION 52: Chapter 19.72 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.72.030 Nonconforming Structures.

C. Reconstruction after Damage or Destruction. A nonconforming structure that is damaged or destroyed by fire, earthquake, or other calamity beyond the control of the property owner may be reconstructed in compliance with the Building Code, as follows.

2. Single-Family Dwellings and Non-residential Structures. A damaged single-family dwelling or non-residential structure may be reconstructed as follows:

b. More Than 50 Percent Destruction. A structure that is damaged so that more than 50 percent of the total length of its exterior walls must be replaced, may also be reconstructed provided that:

(3) The reconstructed structure shall be provided at least as much parking as previously existed and as much as determined the Community Development Director to be feasible.

19.72.040 Nonconforming Signs.

D. Amortization and Correction or Removal Required.

2. Extension of Time Limit. The amortization schedule established by this section may be reviewed and extended as follows. The time limits established by Section 19.72.050(C) for the termination of a nonconforming use after discontinuance are not subject to these extension provisions.

b. Time for Filing. The Community Development Director may accept the application for an extension either before or after the required date for discontinuance of the nonconforming use or sign.

SECTION 53: Chapter 19.74 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

Chapter 19.74 PUBLIC HEARINGS AND NOTICE

Sections:

- 19.74.010 Purpose.
- 19.74.020 Notice of Hearing.
- 19.74.030 Notice of Pending Decisions not Requiring a Hearing.
- 19.74.040 Hearing Procedure.
- 19.74.050 Record of Decision.
- 19.74.060 Finality of Decision by Community Development Director or Planning Commission.
- 19.74.070 Recommendation by Planning Commission.
- 19.74.080 Record of Council Decision.

19.74.020 Notice of Hearing.

B. Method of Notice Distribution. Notice of a public hearing required by this chapter for a land use permit, amendment, or appeal shall be given as follows, as required by state law (Government Code Sections 65090 and 65091):

2. Mailing. Notice shall be mailed or delivered at least 10 days before the hearing to the following:

c. Surrounding Residents and Property Owners. All owners of real property as shown on the county's current equalized assessment roll, and all tenants within a radius of 500 feet or, at the discretion of the Community Development Director, where project impacts may affect a larger area than is typical, within a radius of 750 feet or 1,000 feet of the exterior boundaries of the parcel involved in the application; and

d. Persons Requesting Notice. A person who has filed a written request for notice with the Community Development Director and has paid the fee set by the most current city's Fee Resolution for the notice.

G. Alternative Notice. If the number of property owners to whom notice would be mailed is greater than 1,000, the Community Development Director, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-quarter page in a newspaper of general circulation in the city.

H. Additional Notice. In addition to the methods of noticing required by subsection (B), above, the Community Development Director may provide any additional notice using any distribution method that the Community Development Director determines is necessary or desirable.

19.74.030 Notice of Pending Decisions not Requiring a Hearing.

In cases where this Zoning Ordinance requires public notice of a pending land use decision but does not require a public hearing, the subject property shall be continuously posted with a minimum 11" by 17" sign giving notice of the application for at least 10 days before the date on which the public comment period will end, except that notice for an administrative permit shall be posted at least seven days prior to the end of the public comment period. The sign shall include the permit number, the address and a description of the project, and the date when the public comment period will end. A façade renovation shall not require a notice unless deemed necessary by the Community Development Director. A request to legalize illegal units shall require posting of a sign at least 14 days before the end of the public comment period and shall additionally require mailed notice to owners and residents of adjacent and abutting properties mailed or delivered at least 14 days before the end of the public comment period.

19.74.050 Record of Decision.

A. Timing of Decision. The review authority may announce and record the decision at the conclusion of a scheduled hearing, or defer action, take specified items under advisement, and continue the hearing. Where the Community Development Director is the review authority, the Community Development Director may take the matter under advisement or refer the matter to the Commission for a decision.

SECTION 54: Chapter 19.76 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.76.010 Purpose.

This chapter provides procedures for filing appeals of decisions rendered by the Community Development Director, Economic Development Director, Planning Commission, or Historic Preservation Commission (HPC).

19.76.020 Allowed Appeals.

A. General Appeals.

1. Community Development Director Decisions. Any decision on a discretionary permit rendered by the Community Development Director may be appealed to the Planning Commission, except that a decision regarding an adult business shall be appealed directly to the Council. Any decision by the Community Development Director on a ministerial permit (e.g., zone clearance, sign permit, etc.) may be appealed to the Planning Commission, provided that the only allowed grounds for appeal shall be that the Community Development Director's decision has not complied with the applicable provisions of this Zoning Ordinance.

B. Planning Commission or Council Review. On its own initiative, the Planning Commission may review any decision rendered by the Director, and the Council may review any decision rendered by the Planning Commission, as follows. (See also Section 19.62.020 [Effective date of permits]).

1. Decision to Review.

a. One or more Planning Commissioners or Council members may initiate review of a Community Development Director or Planning Commission decision, respectively, by filing a written request with the City Clerk, within 10 days after the date of the decision, or within 10 days after a 72-hour period after the Community Development Director has taken a decision under advisement, in compliance with Section 19.62.020 (Effective date of permits).

19.76.030 Filing and Processing of Appeals.

A. Timing and Form of Appeal.

1. Appeals, other than Planning Commission or Council review, shall be submitted in writing and filed with the Community Development Department or City Clerk, as applicable, on a city application form, within 10 days after the date the decision is rendered by the Community Development Director or Planning Commission, or within 10 days after a 72-hour period after the Community Development Director has taken a decision under advisement, in compliance with Section 19.62.020 (Effective date of permits).

G. Report and Scheduling of Hearing. When an appeal has been filed, the Community Development Director shall prepare a report on the matter and schedule the matter for consideration by the appropriate appeal body identified in Section 19.76.020(A), with notice provided in compliance with subsection (H). All appeals shall be considered in public hearings. The City may consolidate hearings on all timely filed appeal applications for the same project.

I. Withdrawal of Appeal. Once filed, an appeal may only be withdrawn by a written request submitted to the Community Development Director, with the signatures of all persons who filed the appeal.

19.76.040 Action on an Appeal.

A. Action. At the hearing, the appeal body may only consider any issue involving or related to the matter that is the subject of the appeal, in addition to the specific grounds for the appeal, and shall conclude the proceedings with one of the following actions.

3. Referral. If new or different evidence is presented in the appeal, the Planning Commission or Council may, but shall not be required to, refer the matter back to the Community Development Director, Planning Commission, or HPC for further consideration. Any new evidence shall relate to the subject of the appeal.

B. Deadlock Vote.

1. By Planning Commission. In the event an appeal from an action of the Community Development Director results in a deadlock vote by the Planning Commission, the determination, interpreting decision, judgment, or similar action of the Community Development Director shall be reinstated, unless appealed to the Council.

C. Effective Date of Decision. An action of the Community Development Director appealed to the Planning Commission shall not become effective unless and until final action by the Planning Commission. An action of the Planning Commission appealed to the Council shall not become effective unless and until final action by the Council.

19.76.050 Reasonable Accommodation Permit Appeals.

A. The decision of the Community Development Director on a reasonable accommodation permit may be appealed to the Planning Commission within 10 calendar days after the date the decision is rendered by the Community Development Director.

SECTION 55: Chapter 19.80 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.80.020 Responsibility for Enforcement.

The Departments of Public Works and Community Development shall be responsible for monitoring and enforcing the conditions and standards imposed on all land use entitlements granted by the city. Enforcement shall include the right to inspect properties and structures to ensure adequate compliance with the standards of this Zoning Ordinance. The term "Director" as used in this chapter refers to both the Director of Public Works and Community Development.

19.80.090 Recovery of Costs.

A. Record of Costs. The Community Development Department or the Department of Public Works shall maintain records of all administrative costs, incurred by responsible city departments, associated with the processing of violations and enforcement of this Zoning Ordinance, and shall recover the costs from the property owners, in compliance with this section. Staff time shall be calculated at an hourly rate established and revised from time to time by the Council.

B. Notice. Upon investigation and a determination that a violation of any provisions of this Zoning Ordinance is found to exist, the Community Development Director shall notify the record owners or any person having possession or control of the property by certified mail, of the existence of the violation, the Director's intent to charge the property owner or any person having possession or control of the property for all

administrative costs associated with enforcement, and of the person's right to a hearing on any objections they may have. The notice shall be in a form approved by the City Attorney.

D. Request for Hearing on Costs. A property owner, or other person having possession of or control of the subject property, who receives a summary of costs shall have the right to a hearing before the Director on their objections to the proposed costs.

4. Appeal. The Community Development Director's decision shall be appealable directly to the Council, in compliance with Chapter 19.76 (Appeals).

SECTION 56: Chapter 19.90 of Title 19 of the West Hollywood Municipal Code is amended to read as follows:

19.90.020 Definitions of Specialized Terms and Phrases.

A. Definitions, "A."

Attractive Nuisance Dangerous to Children. Appliances, equipment, and machinery as well as any accumulation of materials as determined by the Community Development Director or the Director of Public Works, in which a child could become trapped or experience bodily harm by coming into contact with it, by climbing on it or in it, by falling onto it, or in which any animals or insects that could cause bodily harm could find harborage, or in which any substances or materials, liquid or solid, that could cause bodily harm are contained.

C. Definitions, "C."

Cultural Heritage Preservation. The following definitions apply to the provisions of Chapter 19.58 (Cultural Heritage Preservation).

1. Adaptive Reuse or Change of Use. A use of property or building for a new use other than that for which it is currently used including uses that are not normally permitted in the zoning district.

2. Alteration. Any act or process, through private or public action, that changes the specified character, defining or physical features or architectural appearance of a cultural resource, including reconstruction, new construction additions, repair, restoration, rehabilitation, replacement or removal of any resource. Changes include modification of a structure, architectural detail or visual characteristic (e.g., grading, paint color, surface texture), surface paving, the addition of new structures, the cutting or removal of trees, landscaping and other natural features, the disturbance of archaeological sites or areas, and the placement or removal of any significant objects (e.g., fences, landscaping and accessories, light fixtures, plaques, signs, steps, street furniture, and walls) affecting the significant visual and/or historical qualities of the property.

3. Certificate of Appropriateness. A certificate issued by the Historic Preservation Commission or the Community Development Director which is a necessary condition precedent to obtaining a permit to alter, construct, demolish, enlarge, relocate,

remodel, or remove, in whole or in part, a cultural resource, or a structure within an historic district or conservation zone. A certificate may also be issued by the Director subject to Chapter 19.58 of this Zoning Ordinance (Cultural Heritage Preservation).

14. Historic Resources Survey. The survey, originally conducted in 1986, systematically identified the potential cultural resources within the city. The methodology of this survey is contained within the Historic Resources Survey, 1986-1987, Final Report, on file in the Community Development Department.

20. Nomination Statement. A written report or application specifying the cultural resource, its site address, and the reasons for its nomination as a resource. It shall include an exact description of the cultural resource recommended for designation and the findings supporting the nomination. A nomination statement application is to be kept on file in the Community Development Department and revised and updated as needed.

D. Definitions, "D."

Director. The City of West Hollywood Community Development Director, or designee of the Director, unless otherwise identified as Director of another department and also including the designee of those other identified department directors.

R. Definitions, "R."

Review Authority. The individual or official city body (the Community Development Director, Planning Commission, Historic Preservation Commission, or City Council) identified by this Zoning Ordinance as having the responsibility and authority to review and approve or disapprove the permit applications described in Article 19-4 (Zoning Ordinance Administration).

W. Definitions, "W."

West Hollywood Green Building Point System. The green building point system developed, administered, and updated by the Community Development Department of the City of West Hollywood.

West Hollywood Green Building Point System Table. The table of available green building items and associated possible points that are developed, administered, and updated by the Community Development Department as part of the Green Building Program.

SECTION 57: Subsection 20.04.051(l)(1) of Section 20.04.051 of Chapter 20.04 of the West Hollywood Municipal Code is amended to read as follows:

20.04.051 Amendment – Urban Lot Splits.

(1) An application for an urban lot split is approved or denied ministerially, by the Community Development Director, without discretionary review.

SECTION 58. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; make a note of the passage and adoption in the records of this meeting; and cause it to be published or posted in accordance with California law.

SECTION 59. Record of Proceedings. The documents and materials associated with this Ordinance that constitute the record of proceedings on which these findings are based are located at West Hollywood City Hall, 8300 Santa Monica Boulevard, West Hollywood, California 90069. The City Clerk is the custodian of the record of proceedings.

SECTION 60. Effective Date. This Ordinance shall take effect 30 days after its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at an adjourned regular meeting held this 24th day of June, 2024 by the following vote:

AYES:	Councilmember:	Heilman, Meister, Shyne, Vice Mayor Byers, and Mayor Erickson.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

DocuSigned by:

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 JOHN M. ERICKSON, MAYOR

ATTEST:
 DocuSigned by:

 7690E419E95C4FD...

 LOURDES MORALES, ACTING CITY CLERK

STATE OF CALIFORNIA)
 COUNTY OF LOS ANGELES)
 CITY OF WEST HOLLYWOOD)

I, LOURDES MORALES, Assistant City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 24-16 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at an adjourned regular meeting held on the 24th day of June 2024, after having its first reading at an adjourned regular meeting of said City Council on the 10th day of June, 2024.

I further certify that this ordinance was posted in three public places as provided for in Ordinance No. 24-03, adopted the 20th day of February, 2024.

Ordinance No. 24-16
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WITNESS MY HAND AND OFFICIAL SEAL THIS 7th DAY OF JULY, 2024.

DocuSigned by:
Lourdes Morales

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LOURDES MORALES, ASSISTANT CITY CLERK